The American Political Science Review

Vol. XXIII MAY, 1929 No. 2

SOCIAL ORDER AND POLITICAL AUTHORITY

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No present political tendency is more marked than the extension of law to cover ever wider fields of conduct. Political scientists and constitutional lawyers have come to recognize that this tendency can be properly assessed only by examining how law operates in contrast and connection with other agencies of order such as custom, ethics, religion, and economic forces.[1] When one wishes to understand the failure of such laws as the Sherman Anti-Trust Act or the Volstead Act to accomplish the results expected of them, or when one wishes to form a judgment of the effects to be anticipated from the operation of a minimum-wage law or from the codification of international law, it is important to understand the relation to the other forces which are giving direction to human conduct. There are regularities and patterns of adjustment in human behavior due to other causes than law administered by government; and these regularities not only work at times toward the same, or some of the same, ends which it is sought to attain by law, but at times they form a highly resistant part of the material against which law must work. An effort will be made in this paper to present the problem of law and government as part and parcel of the whole

[1] "In a scientific treatment of social questions it is imperative that there should be a precise conception of law apart from social regulatives generally." H. Goitein, *Primitive Ordeal and Modern Law* (London, 1923), p. 20. This caution is often disregarded by anthropologists and by recent jurists, who, in revolt against Austin, treat all forms of social regulation as "law." See my article, "The Law Behind Law," *Columbia Law Review*, vol. 29, p. 137, note 81 (Feb., 1929).

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wider problem of social order, beginning with an attempt to understand the nature and operation of what may be called the "non-political" agencies of order. The task is facilitated by the contributions which anthropology has made to our knowledge of primitive peoples, and by the light which psychology has shed on the springs of conduct. We no longer have to rely like Hobbes and Rousseau on a naïve theory of human nature or upon a fancy-picture of savage life. The outstanding result of the newer contributions has been to emphasize the central significance of the principle of relativity in the social no less than the physical sciences.

I. HUMAN INTERESTS AND INTEREST-CONFLICTS

The phenomena which we call "social" spring from factors which operate whenever two or more human beings stand in such a relation that the acts of one can directly or indirectly influence those of others. Since such a relationship between at least a sufficient number of individuals to form a family group is a condition of the continuance of the race, man is "by nature social" in the sense that his characteristics have been shaped under conditions of human interaction in groups. Without accepting the implications of the so-called behaviorist psychology, human activities may be described as responses of the actor to an environment consisting in part of physical elements like climate, soil, flora, and fauna, and in part of human elements such as the attitudes and habits of other human beings with whom he is in contact.[2] The study of social order must begin, not with any contrast between individuals conceived as independent and groups conceived as something other than the individuals composing them, but with the concrete phenomena of human interactions.[3] The activity of one human being may reënforce, or coöperate with, the activity of another, or it may

[2] Dewey, *Human Nature and Conduct* (N. Y., 1922), pp. 14–15; E. B. Holt, *The Freudian Wish* (N. Y., 1915), pp. 54–59. The response is also affected by previous responses in the life of the individual and his ancestors. Gumplowicz, *Outlines of Sociology* (Phila., 1899), pp. 159–160; H. J. Ford, *The Natural History of the State* (Princeton, 1915), pp. 77–80, and *passim*.

[3] Dewey, *The Public and its Problems* (N. Y., 1927), pp. 185–193.

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interfere with it, i.e., prevent it from completing itself, or, as we say, "attaining its object." When such interference frustrates what is felt by that other as an interest, the material is present for conflict or disorder. Scientific exactness is not claimed for the use here made of the word "interest"[4]; it is employed only as a familiar and convenient term to designate any fairly persistent attitude toward the environment, expressing itself variously as a purpose, claim, or expectation, whose satisfaction the possessor regards as a "good" or "utility," and whose frustration by another produces a feeling of disappointment or resentment which may be strong enough to stimulate retaliatory action, i.e., action to frustrate some interest belonging to the other.

It has sometimes been thought possible to draw up a catalogue of human interests valid for all times and places and capable of serving as a basis for a complete social philosophy;[5] but the attempt has proved as disappointing as the corresponding effort to catalogue so-called human instincts.[6] Interests are not fixed. An interest derives its content and direction not merely from capacities and urges which are uniform among human beings, but still more from the special environment, physical and human, which evokes particular types of effort and reaction on the part of members of particular groups, and from expectations which conditions within a group lead its members to regard at any given time as likely to result in satisfaction. The interests of members of different groups will thus differ as the environment and habits of the groups differ. Furthermore, as a group becomes more complex, the interests of its different members will come to be diverse in content, so that what is felt by one to be a violation of an interest will not

[4] For attempts at scientific definitions see Dewey, *Human Nature and Conduct*, pp. 164ff.; Albion W. Small, *General Sociology* (Chicago, 1905), pp. 425–442.

[5] *E.g.* Ratzenhofer's catalogue, *Wesen und Zweck der Politik* (Leipzig, 1893), in Small, *op. cit.*, p. 252.

[6] McDougall, *Introduction to Social Psychology* (Boston, 1918), *passim;* Dewey, *Human Nature and Conduct*, pp. 131–169; L. L. Bernard, *Instinct; A Study in Social Psychology* (N. Y., 1924).

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necessarily be so felt by another. This variation in the nature of interests is to some extent obscured by rough uniformities of desire and reaction resulting from capacities and inclinations common to all human beings.[7]

Doubtless all interests can be classified as centering ultimately around one or more of these basic identities, such as the universal interest in security from diminution of bodily integrity, security of the feelings from insult and of the reputation from slander, security in the exclusive control of physical objects brought within the individual's power, and security in the attainment and enjoyment of food, shelter, and sexual gratification. But such classification does nothing to define the scope or content of a particular interest in any given case; and it is the scope and content of concrete interests, rather than the abstractly conceptualized focus around which they can be described as centering, that brings them into conflict with other interests, and thus raises the problem of social order. They clash at the periphery and not at the nucleus, and for purposes of social order we therefore need always to know how far out from the nucleus they reach and what specific claims they cover, rather than around what center or centers they revolve, before we can know what acts will be regarded as violating them. Words or bodily impacts which would be regarded as insults or assaults among sedentary groups often pass unnoticed in groups engaged in rough labor; among many peoples sacrificial murder or suicide is accepted without protest by the victims and their families; acts which in some societies arouse extreme jealousy are disregarded elsewhere; and nowhere is there wider diversity than in the degree of interference which individuals resent with objects which stand to them in the relation of what we call property.

Interests in bodily integrity and in the maintenance of control over physical objects are often relatively unimportant in comparison with more complex interests which are felt with equal or greater intensity. Among these are claims to that coöperation by others which is advantageous for the attainment

[7] Hobhouse, *Morals in Evolution* (N. Y., 1921), p. 28.

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of objects not capable of being attained, or attained so readily, by separate effort. Where habits of such coöperation have become established, the participants generally come to expect their continuance, and are likely to think their interests violated by refusal of a member of the group to lend further participation, or by any act which renders the customary coöperation more difficult or less fruitful. Nothing is more usual than for members of a group to regard themselves as having a so-called "vested" interest in the continuance of any existing state of the environment, human or physical, considered as advantageous. People who have been in the habit of picnicking or playing ball on waste land are likely to regard it as an invasion of their interests if the land is enclosed for cultivation or built over. A more extreme illustration of the feeling of vested interest in an existing favorable situation is afforded by the attitude often assumed by a nation in whose neighborhood another nation proposes to acquire a colony or coaling station. Still more extreme is the attitude of one of two business rivals who regards as an invasion of his interests any relative increase in the trade or resources of his competitor.

The last illustration suggests a characteristic of human interests of basic importance for the problem of social order—their tendency, namely, to expand outward indefinitely and embrace within their scope claims and expectations which come sharply into conflict with full-fledged or incipient claims and expectations of others. An interest attaches itself to and becomes implicated in an established relationship with some feature of the environment; and as new kinds of activity with reference to this feature come within range of possibility, the interest fastens on these and carries over to them an extension of the original attitude. Thus, under typical conditions of the modern economic environment, if a man is in control of an urban lot for the purpose of indefinitely enjoying there a two-story dwelling house, he is apt to feel that an interest of his has been violated unless he is allowed to erect on the lot a twenty-story skyscraper or a gasoline filling station when skyscrapers or filling stations come to be in demand in the neighborhood, or

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unless he is allowed to extract by pump and derrick any oil that may be found under the surface. On the other hand, owners of adjacent property may regard as an invasion of their interests such an alteration in the use of the lot.

The forms which interests assume can therefore only be described as historical products, i.e., as due initially to the special combination of elements involved when some feature or features of the environment, physical or social, shape into a more or less stable attitude one or more of the manifold inclinations of a human being. They are fluid in the sense that they attach themselves to new objectives. It results that we can never know the interests of a particular individual simply by knowing the reactions common to human beings under different classes of circumstances, but only by knowing completely his individual history; and even knowing that, as far as it can be humanly known, we can never completely predict his future interests, because we have no assurance as to what combinations of responses to environmental factors will attain sufficient stiffness of organization to alter the character of his existing interests or add to their number.

This fluctuation and interplay of interests is an integral part of the meaning of life. If interests could be fitted into identical moulds and made to repeat themselves with monotonous uniformity on the part of all human beings, society would become a machine. The shifting and growth and succession of interests within the individual and the group are one of the things that we mean by life when we contrast it with mechanism. But this process necessarily entails continual conflicts between interests the satisfaction of which is physically incompatible.[8] It entails such conflicts within the individual, and leads to those crises of character which form the themes of drama. While conflict between rival interests within the same individual is inevitable, equally inevitable seems to be the struggle to establish a way out of the conflict by some working compromise. So, too,

[8] A narrow form of economic determinism is represented by Carver's contention that all forms of interest-conflict spring from "economic scarcity." T. N. Carver, *Essays in Social Justice* (Cambridge, 1915), p. 49.

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within a group the inevitability of conflict between inconsistent interests belonging to different individuals is matched by efforts to reduce frustration, not to any fixed minimum, but to the point beyond which life in the group would be felt by the members as intolerable. These efforts may be described as the quest for social order. It must not be conceived as a search for a static pattern which will bring all friction and conflict to an end, or even as a deliberate search, but rather as a constant tendency toward adjustments which will diminish the frustration of at least those interests felt within the group most intensely, or felt intensely by the most energetic members of the group at a given time.

Since conflict between interests is inevitable, it seems sometimes to be thought that the quest for order is misdirected. To take this view is to mistake the meaning of social order. To regard the total suppression of conflict as the test of order is to conceive order in a sense which would be as valueless as it is unattainable. It obscures the most vital aspect of the problem, which is the aspect connected with social change and the readjustment of human relationships. Every such readjustment issues out of what amounts to a conflict of interests, and room for such conflicts must therefore always remain if what we call growth or "progress" is to go on.[9] But the fact that conflict can never be completely eliminated does not mean that men are necessarily deluded in eliminating particular conflicts, or all conflicts of particular kinds. On the contrary, it frequently happens that certain kinds of conflicts must be excluded if men are to be free to turn their attention to others felt to be more fruitful.[10]

For better or worse, men seem to require—because always and everywhere in the groups in which they live they tend to develop—some sort of arrangements to preserve for individuals areas within which interests of certain kinds are safeguarded from invasion. They work toward cessation of conflict at

[9] Ratzenhofer, *op. cit.*, sec. 17; Small, *op. cit.*, pp. 201–206; C. H. Cooley, *Social Organization* (N. Y., 1912), pp. 199 ff.

[10] Carver, *op. cit.*, pp. 89–90.

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certain points, or of conflict with particular weapons, or conflicts which involve invasions of certain kinds of interests. There is no sharp boundary between a "state of nature" where no interests are protected and a social state where all are guaranteed. What we everywhere have is rather a protection of certain interests by one or another type of agency; and one of the most significant facts for the study of social relations is the constant alteration, usually gradual and imperceptible, but sometimes sudden and catastrophic, in the nature of the interests thus protected and in the agencies operating to supply such protection. These agencies can be described as agencies of social control. The protection of an interest belonging to one individual requires a particular kind of conduct on the part of others at points where such conduct can affect the interest in question. An agency of social control is one which operates to confine the conduct of individuals within lines compatible with interests belonging to others, and which tends to prevent other conduct that physically would be equally possible.

The more developed forms of social control, which are those that the term naturally suggests in an advanced society, raise the question of how far the protection of an interest belonging to one individual affords valid justification for the limitation which the control imposes on the freedom of action of others.[11] Control presents itself in the form of an external barrier to the exercise of personal liberty and free moral choice. This is particularly true where control takes the form of law enforced by the physical power of a political organization. It is therefore important to notice that not all control presents itself openly as such—that some of the most basic agencies of control operate quite differently. The fundamental adjustments between human beings living near enough together to influence one another's interests work themselves out in great part unconsciously and without the knowledge of the persons affected. Interests being largely responses to the environment, social as well as natural, in directions which promise satisfaction, the tendency is always for those interests to form and persist for which room exists in

[11] W. W. Willoughby, *The Nature of the State* (N. Y., 1896), pp. 30 ff.

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the environment, i.e., interests of such character as dovetail comfortably with the feature of the environment formed by the interests of the other members of the group. Interests for which there is no such room tend to be crowded out by those which have shaped themselves to work together. This unconscious adjustment of interests within a group proceeds hand in hand with, and manifests itself externally in, the formation of customs. Interests, on examination, prove to be perhaps as largely the product of customs as customs express the adjustment of interests.[12]

II. CUSTOM AS AN AGENCY OF SOCIAL CONTROL

Hardly any term has been employed more vaguely in social and political thinking than custom. It seems desirable for purposes of clarity to confine the word to external acts or refusals to act, rather than to extend it, as is often done, to include mental states or judgments about acts.[13] Doubtless every customary manner of acting, because interests have shaped themselves to it, tends, when consciously reflected on, to be accompanied by an opinion that it is the correct or "right" manner of acting. But custom is not always self-conscious; and it will produce many of its effects if adhered to, even by persons who do not believe it to be "right." There is therefore need for distinguishing between customs as ways of acting and the opinions of "rightness" which may or may not accompany them. Custom as here used will signify a response to a given situation in the form of an external act or inaction which has become so standardized that it can be depended on to recur as often as the situation in question confronts any member of the group within which the custom prevails.

The value of custom as an agency of social adjustment consists in its establishing relatively fixed points around which the conduct and interests of different individuals can shape themselves. When one individual follows a custom, i.e., does the act

[12] Dewey, *Human Nature and Conduct*, pp. 58, 63.

[13] The doctrine of the historical jurists that custom has its roots in belief or conviction (my article, *supra*, note 1, p. 130, note 61) represents an antiquated psychology.

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customary in that situation, the act will have been anticipated by other members of the group who are confronting the same situation, so that the latter will be prepared for the act and know how to respond to it. In ordinary course, they will be neither surprised nor offended; their interests will have been so moulded in advance by the existence of the custom as part of their social environment that the performance of the customary act will involve no invasion of those interests.[14] Frequently, however, the operation of custom proceeds a step further: where a custom involves an act having a possible influence upon another individual, the custom will not merely indicate to the latter what to expect, but will also supply him with a customary mode of response. In this way the acts of different individuals living in proximity are canalized into lines of habit adjusted to prevent collisions. The simplest illustration is the so-called rule of the road, or custom that an individual driving or walking shall keep to the right or left side of the way, thereby automatically avoiding collisions with persons coming in the opposite direction and observing the same custom. A more complex instance is the migration customs of nomadic tribes, who follow customary paths and maintain a customary schedule year after year which keeps them from ever meeting on the same grazing or camping grounds.[15] How custom prevents more intangible forms of interest-conflicts is illustrated by the operation of a customary price for the sale of a commodity. When such a price prevails, the buyer is not likely to feel aggrieved at having to pay what in the light of the custom he has fully expected to pay, while the seller is not disappointed by failure to receive a higher price, which in the light of the custom it has not occurred to him to expect.

Custom is effective as an agency of order only in so far as it supplies the members of a group with fixed channels of action which have fully adjusted themselves to one another. To produce any appreciable amount of order, these channels must be

[14] Hobhouse, *op. cit.*, p. 12; Dewey, *Human Nature and Conduct*, pp. 63, 75.

[15] MacGahan, *Campaigning in the Oxus*, p. 51, quoted in E. A. Ross, *Social Psychology* (N. Y., 1908), pp. 200–201.

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numerous enough to cover most of the activities of human beings which are likely to bring them into contact. The place to study custom at work as an agency of social control is therefore among primitive groups where custom is responsible for almost all the social order that exists.[16] The number of different things done by a particular savage in the course of a day may be as great as, or greater than, those done by a typical member of a modern society; but there is far less variety, actual or possible, in the different kinds of things done on different days, and in the kinds of things done by different persons. This relatively limited field of action makes possible a rigid standardization of practically the whole of conduct. "Custom regulates the whole of a man's actions, his bathing, washing, cutting his hair, eating, drinking and fasting,"[17] his hunting, distributing the game, cooking, sleeping, migrating, marrying, and being buried. The activity of each member of the group being thus reduced to known grooves, the interactions within the group tend to adjust themselves automatically so as to reduce friction to a minimum. As migration customs operate to prevent nomadic groups from colliding, hunting customs serve to confine the different individuals or groups within a tribe to different areas so as to prevent misunderstandings and disputes.[18] Standardized modes of action grow up at other points where room for differences might lead to clashes of interest. An illustration is afforded by the elaborate game-distribution customs which have been described by Howitt for the Southeastern Australians. "Food, including all game caught by the men and all vegetable food obtained by the women, was shared with others according to well understood rules."[19] Everyone knowing in detail pre-

[16] B. Malinowski, *Argonauts of the Western Pacific*, p. 159; R. R. Marett, *Anthropology*, pp. 183–184.

[17] Sumner, *Folkways* (Boston, 1906), pp. 4, 28.

[18] Lowie, *Primitive Society* (N. Y., 1920), pp. 211–213. See F. G. Speck, *Publications of the American Sociological Society*, vol. xii, 82 ff.

[19] A. W. Howitt, *Native Tribes of Southeast Australia* (London, 1904), pp. 756–9. The location of individual huts in a camp was also prescribed by custom, as well as the sleeping-place of each individual inside the hut. *Ibid.*, pp. 773–6.

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cisely what to expect, practically no room is left for disagreement or disappointment about a matter which might otherwise easily produce conflict.

For most exigencies of primitive life, custom assigns to each individual a definite post or station having a fixed mode of customary behavior attached to it. The primary purpose of primitive social organization is to fit each individual into such a niche. Economic functions, the nature, amount and time of productive services, military functions, all belong by custom to particular posts in the group, which in turn belong to particular individuals. Usually this allocation of behavior is based on blood relationship, children pursuing certain customary conduct toward their mother, their father, their mother's brother, brothers following certain conduct toward their brothers and brothers' wives, husbands behaving in particular ways toward their wives' fathers and mothers.[20] This allocation of behavior on the basis of position within the group makes it difficult for savages to deal with an outsider who has no place in the system; no member of the group knows exactly what to expect of him or how to behave toward him. When friendly or coöperative relations with such a stranger are desired, the difficulty is surmounted by the practice of adoption.

A given custom cannot ordinarily be identified as promoting or protecting any single "natural" interest corresponding specifically to the custom. Rather, customs embody conduct in which a number of conflicting interests or interests capable of conflict have for the time being reached equilibrium, each securing in the customary conduct a certain amount of recognition in the face of conflicting interests which apart from the custom might have annihilated it. Thus the complicated marriage customs prevailing among primitive peoples represent a balance

[20] W. H. R. Rivers, *Social Organization* (N. Y., 1924), pp. 37–8; Lowie, *op. cit.*, pp. 80–81. Rules of "avoidance" between certain relatives, *e.g.*, son-in-law and mother-in-law, brother and sister, are very common. Howitt, *op. cit.*, p. 296; Malinowski, *op. cit.*, p. 71; R. F. Barton, "Ifugao Law," *University of California Publications in American Archaeology and Ethnology*, vol. 15, pp. 90–1 (1919); Lowie, *op. cit.*, pp. 84–5, 97–102. "Communal labor is based on the duties of relatives-in-law." Malinowski, *op. cit.*, pp. 157–8, 160.

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which has worked itself out between the interest of every individual in selecting a mate and other interests of the same individual and his fellow-members of the group in preserving the group unity and the system of family organization on which the functioning of the group depends.[21] When a number of interests thus reach adjustment in a custom or set of customs and adapt themselves to it, it is impossible to say with accuracy how much any one of the interests involved contributed to the total result, or how much any one would suffer if that result were disturbed. The custom, in other words, is not a mechanical, but an historical product, in that there went into its making a chain of countless events too minute for observation, and the character of the result is dictated by one or more such minute occurrences in ways too obscure for identification. We should not be blinded to this historical character of custom by the fact that widely separated primitive peoples have developed customs of a similar character[22]; for it is matched by the opposing fact that tribes living in close proximity and under substantially identical conditions show marked differences in their customs on the same points.[23]

The fact that customs do not express a mechanical balance of fixed interests, each of which can be assigned definite weight, suggests that almost any change in the interests of members of a group is apt to disturb the whole fabric of customs in ways that cannot be foreseen. There is thus disclosed the chief weakness of custom as an agency of control, i.e., its inability to function effectively except in extremely static societies.[24] The adjustments which it brings about at any one point rest on the maintenance of equilibrium between interests at countless other points. If new interests crowd in anywhere, all the old interests are bound to be in some degree dislocated,[25] and

[21] Hobhouse, *op. cit.*, pp. 45–6.

[22] See A. L. Kroeber, *Anthropology* (N. Y., 1923), pp. 216–240, for the "diffusion" theory.

[23] Malinowski, *op. cit.*, pp. 37, 41, 42, 53, 56; J. B. Danquak, *Akan Laws and Customs* (London, 1928), 1.

[24] Willoughby, *op. cit.*, pp. 144–6.

[25] For the way in which interests which once gave rise to conflict silently

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the adjustments which these have reached in the form of any particular mode of behavior, or custom, will no longer be an adequate adjustment of those interests in the new forms which they have assumed. Furthermore, since time in long terms is required to abolish a custom once established, the old custom which represented the former adjustment will remain outstanding. Every custom during its dominance generates a special interest or group of interests centering about its maintenance, and this special interest naturally persists on its own account after the original usefulness of the custom for adjusting other interests has disappeared. Nothing is therefore more common in societies which are becoming mobile than the persistence of old customs which have become dissociated from present interests of the society other than the merely special interests centering about maintenance of the custom. When this point is reached, such customs become obstacles to adjustment.[26]

In a savage society the interests of all members of the group remain in large part identical from generation to generation, and there is little danger of even the disturbance which might be caused by a transfer of interests from some individuals to others within the group, since so far as interests are specialized they are assigned to specific persons by the form of the social structure. When a new interest or new form of activity emerges, if it proves persistent, it can be gradually taken up and fitted into the existing scheme by a series of unnoticed dislocations. No feature of modern society is more marked than the rapidity with which methods of action and the interests corresponding to them change and fluctuate.[27] This is in part due to constant changes in technology produced by the progress of invention. A second cause is the increasing subdivision of labor unaccom-

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dissolve before changes in the environment, see Lecky, *History of European Rationalism* (N. Y., 1910), vol. i, pp. 35 ff.

[26] Marett, *op. cit.*, pp. 185 ff.; Sumner, *op. cit.*, p. 17. For the survival of customs into a changed environment, see Katherine Mayo, *Mother India* (N. Y., 1927), *passim.*

[27] *Cf.* P. Sorokin, *Social Mobility* (N. Y., 1927), *passim.*

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panied by any fixed attachment of specific functions to specific individuals. A third is the increasing ease of travel which brings human beings into physical contacts in ever-shifting combinations. The result is that the particular experiences and interests of different individuals who are in contact come to differ more and more widely in content and scope. Customs do not develop at points where the interests of different individuals touch, because the same group of individuals seldom find themselves in repeated contact at the same points for a long enough time, and because particular points of identical contact do not repeat themselves with sufficient frequency. Identical situations therefore evoke countless different responses on the part of different individuals, and the number of specific acts which one person can safely expect to be done by others in a given way in the face of a given situation is reduced to a minimum.

The contrast between the mobility of modern society and the immobility of a primitive group must not be pressed too far. Modern, no less than primitive, life tends to develop standardized ways of doing things in the face of fairly stable aspects of the physical and social environment, i.e., of doing those things which everyone does and those things which are done repeatedly.[28] In a modern society, however, the number and importance of acts which do not fall into either of these categories is vastly greater than under primitive conditions. The uniformities of modern life tend to be confined to superficial matters of dress, manners, ways of preparing and serving food, and the like.[29] Among the members of a modern community the elements of interest which have been formed by mutual adaptation cannot run very deep. This is responsible not merely for much of the often criticized superficiality of modern civilization, but also for much of its pathos.[30] The uniformities of life always become centers of the deepest loyalties; and when these

[28] G. Tarde, *Les Lois de l'Imitation* (Paris, 6th ed., 1911), p. 10.

[29] Because many such uniformities are less deeply rooted and change much more rapidly than customs, Tarde distinguishes them by calling them "fashions," *op. cit.*, p. 350.

[30] Dewey, *The Public and its Problems*, pp. 213 ff.

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uniformities are thinned to externals, to a shibboleth or a handshake, there is a tragic disproportion between the loyalty and its object.

There are, however, other uniformities without which the processes of modern life could not go on—such uniformities as the practice of using money, working for wages, employing credit, advertising, and the like. Such uniformities rather determine the skeleton and framework of the general environment within which human contacts take place than effect adjustments of concrete interests and contacts of particular individuals within that environment. While they supply fixed points about which the activities of the community as a whole can be said to shape themselves, these points are not sufficiently numerous, or close enough together in the organization of the activity of particular individuals, to dictate in detail their responses to specific situations. They almost always leave to any two or more individuals a sufficiently large lee-way for free choice in their mutual relations at any given point of contact to make possible a clash of purposes and interests. They shape expectations only in the loosest way, and thus do not guarantee exact correspondence of conduct to expectations. In other words, they standardize only a small number of the factors or elements in any concrete situation and leave the rest to the clash of interests.

No such absolute distinction as might seem here suggested can be drawn between these modern uniformities which are too imperfect to serve as agencies of control and the more complete uniformities which prevail in primitive groups. The difference is one of degree. Even in primitive life, the established uniformities which dictate individual action in a given situation do not dictate the whole of that action, but leave a certain amount of "play" for discretion. Thus in the matter of marriage, while custom prescribes the manner in which the transaction is to be carried through and the conduct which as a result of it is to be observed toward the wife and her relatives, and while it designates the particular group of females from whom the wife must be selected, it does not, except in rare instances,[31]

[31] *E.g.* in the case of the so-called "levirate." Lowie, *op. cit.*, pp. 18–9.

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point to any special female as the necessary mate, but leaves this essential matter to freedom of choice. An interesting illustration of the room left for personal discretion in the intervals of primitive custom occurs in connection with the remarkable institution of the *Kula* in the Trobriand Islands, studied by Malinowski. This is an elaborate system of ritual exchange of certain ceremonial objects, armlets and necklaces, carried on between inhabitants of different islands. The persons between whom any given exchange is to take place, as well as the question of which of any two parties is to receive the armlets and which the necklace, are determined by the customs of the institution; but custom does not prescribe how long an interval is to elapse between the receipt of one article and the return of the other, or establish any correspondence between the quality of the article given and that of the article returned. These matters are left to discretion, with the result that disappointment and a sense of injury often occur if the return present is not as handsome as the giver thinks himself entitled to.[32]

If conflicts of interest in the areas of discretion left by custom are to be prevented or resolved after they have arisen, there is need for some additional agency of adjustment besides custom. The question may be raised why this need does not seem to be more keenly felt among primitive peoples. The reasons seem two-fold. In the first place, the interests of primitive men appear to be concentrated dominantly on matters which have been reduced to custom. If, in other words, individuals meet with the conduct which the existence of prevalent customs leads them to expect, they seldom seem to attach great importance to the defeat of more purely private expectations. This appears from savage behavior about two matters which it might be anticipated would supply a fertile field of conflict, namely, sexual relations and property. The savage apparently feels intensely any infractions of the established marriage customs which interdict the union of persons not belonging to special classes. Apart from this, irregularities on the part of one spouse

[32] Malinowski, *op. cit.*, pp. 91–6.

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do not seem to be greatly resented by the other.[33] The same difference applies to many forms of what we should call property relations. In so far as customs exist allotting to a particular family or group the privilege of hunting over a given area, or the control of a given plot of land for agricultural use, the invasion of the privilege would be hotly resented. On the other hand, the forms of property whose enjoyment is not thus regulated by custom are likely to be of such minor importance that disputes which may arise owing to the absence of customary control are not apt to be serious.[34]

When interests outside the moulding force of custom come to be felt with sufficient keenness to be insisted on by retaliation and force, the resulting conflicts may be severe. The reason why such conflicts do not at once bring into existence types of control strong enough to curb them is doubtless the fact that primitive men are not so much disturbed by the existence of such conflicts among their fellows as the members of a more advanced community would be. If one member of a primitive group regards his interests as invaded by another and forcefully retaliates, the members who are not parties to the dispute apparently do not find themselves inconvenienced by the progress of the quarrel in the way that the members of an advanced society would be. A considerable amount of conflict within the group, even when carried on by methods of physical violence, is tolerated because it does not amount to an invasion of what other members of the group feel as interests.

Custom, even in the extreme form in which it operates in primitive societies, is never so entirely automatic as for full

[33] E. S. Hartland, *Primitive Paternity* (London, 1910), vol. 2, pp. 101 ff.; Spencer, Baldwin, and Gillen, *Native Tribes of Central Australia* (London, 1899), pp. 99–100; Howitt, *op. cit.*, p. 682; Hobhouse, *op. cit.*, p. 136. See Malinowski, *The Family Among the Australian Aborigines* (London, 1913), for customary regulation of sexual irregularities, e.g., by the institution of "*pirrauru* marriage." "The majority of fights and quarrels are about women." *Ibid.*, p. 125.

[34] Lowie, *op. cit.*, pp. 209–215. For emphasis on the peaceful character of life among the lower hunting peoples, see W. J. Perry, "The Peaceable Habits of Primitive Communities," *Hibbert Journal* (Oct., 1917), 28 ff.; among the town-agricultural peoples, Thorstein Veblen, *The Instinct of Workmanship* (N. Y., 1914), 100–102, 120–129.

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effectiveness it ought to be.[35] It does not consist of absolutely determined physiological reflexes, but is always imposed on activities which physiologically might take one form rather than another.[36] Its chief support is the force of habit operating in individuals. Once a mode of behavior has been acquired, the greater ease of repeating it, as contrasted with striking into a new form of action, tends to perpetuate it.[37] But this tendency is not always unopposed by a contrary inclination to change in the mere interest of adventure or experiment.[38] Custom can do its work only when this counter tendency is somehow kept weak or held in check. Moreover, even though a customary mode of behavior tends to maintain itself on the part of the individuals who have acquired it, it is not inherited, and must therefore in some way be transmitted to new members of the group. A propensity to imitation doubtless plays the leading rôle in such transmission, but it cannot be depended on exclusively.[39] Accordingly, in societies whose social adjustments rest dominantly on custom, support for custom is usually required in the form of an apparatus of *education* and an apparatus of *sanctions*.

External sanctions causing an individual to follow a course of action in cases where the thought of acting otherwise occurs to him are supplied by fear of unpleasant consequences. Primitive man fears unpleasant results from three sources if he fails to act in the customary manner. If the custom is one which involves reciprocal action by a fellow-member of the group, he realizes that by not doing his part he will probably not receive from the other the favorable action which the custom entitles him to

[35] Malinowski, *Crime and Custom in Savage Society* (London, 1926), *passim; Argonauts of the Western Pacific*, p. 115.

[36] Hobhouse thinks this true even for "instincts", which are intermediate between physiological reflexes and habits. *Op. cit.*, pp. 4–6. For "plasticity of instincts," see Malinowski, *Sex and Repression in Savage Society* (N. Y., 1927), pp. 225–8.

[37] McDougall, *op. cit.*, chap. 15.

[38] Maine, *Early Law and Custom*, p. 264.

[39] E. L. Thorndike, *Educational Psychology: The Original Nature of Man* (N. Y., 1919), pp. 108–122.

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expect.[40] To meet cases where an individual might be willing to take this risk, there is always in the background the censure which public opinion within the group is sure to visit on the custom-breaker. This censure may go so far as complete ostracism, the effect of which, by excluding the offender from his niche in the group, is to deprive him of the only means of livelihood that he knows.[41] Finally, and most importantly, primitive customs are accompanied by religious or magical sanctions. The savage believes that if he does not do a thing in the customary way unfavorable consequences will automatically ensue as a result of magical processes.[42] This connection of primitive custom with religion seems to have supplied the chief bridge across which purely customary control of conduct has passed into other and more elaborate forms of control.

The religious aspect of custom not only provides a set of sanctions but also prepares the apparatus of education needed for custom to operate effectively. For the savage, religion is a matter of specialized or technical lore, and as such calls into being specialists who are adepts in its learning. These technical experts become guardians of the customs having religious implications, which in practice means the whole body of customs;[43] and as such they stand ready and willing to inculcate these customs in successive generations. The initiation ceremonies universally practiced among primitive peoples are an institution for this sort of education conducted under the control of the specialists in tribal traditions.[44] The formation of such a group of specialists is of great importance for the operation and development of custom, since it provides a fulcrum or pivot from

[40] What Malinowski calls the "reciprocity of services." *Crime and Custom* pp. 22–7.

[41] Rivers, *op. cit.*, p. 168. For ridicule as a social sanction, and the peculiar institution of "joking relatives," see Lowie, *op. cit.*, p. 100; Hartland, *Primitive Law*, p. 162.

[42] Howitt, *op. cit.*, pp. 296–300; Frazer, *Golden Bough* (one vol. ed., N. Y., 1925), pp. 11–48; Malinowski, *Argonauts*, pp. 59–60, 73, 116.

[43] Howitt, *op. cit.*, p. 316.

[44] *Ibid.*, pp. 530–2, 638–9; Spencer and Gillen, *op. cit.*, chaps. vii-ix; W. D. Hambly, *Origins of Education among Primitive Peoples* (London, 1926), pp. 186–199.

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which custom can be directly tampered with and altered without waiting for customary modes of behavior to shape themselves unconsciously. Through their influence on the educational process and otherwise, the specialists in tradition attain an influence which enables them to dictate new modes of behavior under the guise of elucidating custom. Modes of behavior thus prescribed may, if accepted and followed, become, in time, true customs; but in origin and at the outset they differ from customs in that they result, not from direct adjustments of individuals to one another,[45] but from deliberate effort on the part of a limited number of individuals within the group to devise adjustments for the rest.

III. VOLUNTARY ADJUSTMENT OF INTERESTS

In the spheres of conduct which custom has canalized, interests emerge in shapes adapted to one another. To this extent there is no conflict or consciousness of threatened conflict, and so no sense of need for adjustment. At the opposite pole from this type of control stands the method of securing order through the conscious voluntary adjustment by individuals of their respective interests which are seen to be conflicting. There is bound to be a good deal of such conscious adjustment, even in the most custom-ridden society, within the inevitable gaps and loop-holes of custom. Collisions are sensed in advance by the parties, and in the majority of cases averted by deliberate effort. This method of voluntary case-to-case adjustment has been much emphasized by recent political theory, and its use recommended to achieve many results now sought through agencies of external control.[46] Old-fashioned philosophical

[45] Sumner, *op. cit.*, pp. 3–4.

[46] Bertrand Russell, *Principles of Reconstruction;* ibid., *Prospects of Industrial Civilization;* G. D. H. Cole, *Social Theory;* M. P. Follett, *The New State;* J. P. Warbasse, *Coöperative Democracy* (N. Y., 1927); Thorstein Veblen, *The Nature of Peace* (N. Y., 1917). This view regards itself as underlying the movement for "self-government in industry," e.g., through voluntary "standardization, as a substitute for legislative control by the state." See various papers by P. G. Agnew, "How Business is Policing Itself," *Nation's Business,* December, 1925; "Can Industry Make its own Law?", *Association Management,* December, 1926, etc.

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anarchists urged that social order could be maintained wholly through such adjustments.[47] The doctrines of this school have deeply influenced much of our contemporary thought. The essence of the anarchist's position is that men as rational beings can be depended on in a given situation to discover and follow the line of conduct which will best satisfy the various interests involved. He maintains the applicability to the whole field of human interactions of a method admittedly used with success throughout much of the field.

In view of the shifting and complex character of human interests, it is clear that the rationality needed to effect their adjustment must be something different from "reasoning" as employed in mathematics or the natural sciences. Suppose two men approaching one another from opposite directions on a narrow path. Reason, in the scientific sense, will doubtless inform each that they will collide unless one gives way to one side or the other to the opposite side. It might be supposed, on a theory of "normal" human nature and "normal" human interests, conceived in terms borrowed from our contemporary social experience, that this knowledge would cause both parties to take the action appropriate to avert the collision. There have, however, been states of society where strongly felt interests of personal dignity, self-esteem, and reputation were held to be deeply, and even irreparably, damaged by thus giving way, however slightly, to another.[48] Under such circumstances an individual might well choose to run the risk of collision rather than incur the humiliation necessary to avert that risk. Where a situation involves an interest-conflict of this kind, a clash can be avoided by voluntary action only if there can be brought into play other interests strong enough to displace or modify one or both of those which are incompatible. At this point moral or ethical ideas and precepts can promote order by intervening to give to

[47] William Godwin, *Enquiry Concerning Political Justice*, book v, chaps. 22–24; Kropotkin, *Mutual Aid as a Factor of Evolution; ibid., Anarchism, its Philosophy and Ideal;* L. Tolstoy, *The Kingdom of God is Within You;* Eltzbacher, *Anarchism.*

[48] For "taking the wall" and "keeping the wall," see Boswell's *Life of Johnson* (ed. Glover, London, 1901), vol. i, p. 61.

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the sum total of interests present in a situation a new balance which makes a voluntary adjustment possible.

What we call ethics or morals has its roots, as the word indicates, in custom. The existence of a customary mode of behavior connotes on the part of most of those who follow it a fixation of habit which is shocked by departure from the custom.[49] There has been shaped to the custom an interest more intensely felt than interests which might suggest conduct at variance with the custom. The superior strength of the former interest, when consciously recognized, is expressed by applying the term "right" to conduct conforming to the customary norm, while other conduct is called "wrong."[50] With this emergence of the relative strength of interests into consciousness, the way is opened for a possible subsequent divorce between the idea or sense of "right" and mere conformity to custom, whenever in an individual or group some interest at variance with customary behavior comes to be felt with much greater intensity than the interest moulded to the custom. The idea of "rightness," or title to prevail over opposition, is likely to be attached to the former interest by those who cherish it, so that a conflict then arises between what is "right" and what is only customary.[51]

Where widespread agreement exists within a group as to what is "right," an interest is at hand to which conscious appeal can be made for the purpose of solving conflicts of other interests among members of the group. To produce such agreement is the function of ethical ideas, which generally first emerge as precepts inculcated by religion and backed by the force of religious interests and religious sanctions.[52] Religion and ethics promote voluntary adjustments by supplying an interest to which other interests are subordinated and whose satisfaction is incompatible with certain types of conflict, or with conduct likely to give rise to such conflicts.

There are certain similarities and differences between the

[49] Dewey, *Human Nature and Conduct*, p. 75.
[50] Sumner, *op. cit.*, p. 28.
[51] Dewey and Tufts, *Ethics* (N. Y., 1908), pp. 51–91, 428–434.
[52] Hobhouse, *op. cit.*, pp. 419.

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operation of ethical ideas and of custom. While custom canalizes interests in advance so that conflicts are prevented from arising, ethical ideas are capable of coming into play after the materials of conflict are present. Custom, when most effective, works unconsciously; ethical ideas can operate successfully as factors in a conscious choice. Like customs, ethical ideas, being the result of slow growth, are not usually adapted to adjustment of situations which have not recurred frequently. They are often a stage toward the formation of custom in a society which is becoming self-conscious, or again only the residual deposit of customs which have broken down. Frequently they produce an effect like that of custom, in that general acceptance of such an idea tends to create an expectation of conduct in conformity with it, and to this extent shapes interests in advance. The interest embodied in the idea, in making a place for itself within the group, influences the scope and character of other interests, and, in so doing, may give old interests a new shape which renders them less likely than before to collide. Thus the ethical ideas disseminated by Christianity exerted a powerful solvent effect on interests responsible for much of the conflict of the Dark Ages and opened a way for the emergence of new economic and cultural interests which further weakened and dissolved the older military interests.

Customs, being ways of acting, must necessarily be specific; ethical ideas are usually more abstract and general. This gives them a certain advantage and also puts them at a disadvantage. Through their generality, such precepts as "Do unto others as you would have others do unto you," or "Love thy neighbor as thyself," provide a solvent applicable to the adjustment of a wide range of antagonistic interests. On the other hand, such precepts are susceptible of varying interpretations and must be translated by the individual's private judgment into particulars before he knows what to do. Their usefulness is therefore not so much in dictating conduct which will avert conflict as in fostering attitudes which tend to discourage or relieve conflicts. At the same time, they may give rise to strong differences of opinion and thus become sources of conflict.

Ethical precepts derive their content originally from some

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interest felt with sufficient intensity to override inconsistent interests. Such an interest is necessarily relative to the set of other interests at the time when the precept assumes the form of an ethical imperative. As a result of changes in the physical or social environment, these interests may alter, and such alteration inevitably works a change in the form or intensity of the interest which supplies the content of the precept. Thus the idea of duty to one's parents loses much of its strength when conditions of economic and social life impose greater individual responsibilities on the members of family groups and open wider opportunities for separate effort and separate rewards. Similarly in an age of military violence and physical insecurity the ethical idea of respect for human life and for the rights of others carries less appeal than ideas of courage and obedience, which are better adapted to promote the interests dominant in such a period. When an ethical idea thus collides with intensely felt interests, it often serves, if it has a sufficiently long course of social habit behind it, to reduce the strength of the new interests and thus bring them into more satisfactory accommodation with previously existing interests. When the new interests, however, are associated with permanent innovations in the environment, it is more likely that the ethical idea will be transformed in character, or else will be sublimated into a more or less ineffective "ideal." Such periods of maladjustment between dominant interests and long established ethical ideas are eras of social conflict when the old imperative is seized upon as a rallying cry by one party, while devotion of the other to the new and inconsistent interests generates a competing ethical dogma.

This description of the operation of ethical ideas indicates that in many kinds of conflicts they cannot be depended on to promote voluntary interest-adjustments. Reliance on their effectiveness is usually due to the supposition that in some way a standard code of "rational" ethics can be constructed objectively which will prescribe the behavior needed in any given situation to satisfy the interests "rationally" demanding satisfaction; and that knowledge of this code lies within the reach of anyone by a mere act of reason. Failure to apply it is due to ignorance or

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perversity.[53] The difficulty about such a view is, in the first place, that it assumes a number of definite and stable interests to which demonstrative "reason" can allocate relatively permanent spheres of operation with fixed boundaries between them. It assumes, secondly, that the objective "reason" which draws these boundary lines can by sheer force of its rationality impose conduct on the human individual independently of his actual interests, personal history, and habits. Both these assumptions are contrary to what we know of the nature of interests and the springs of human conduct.

If voluntary adjustments can thus not be depended on to result from ethical motives, it is sometimes thought that motives of another kind, viz., the economic, if allowed to operate freely, will supply, through voluntary action, all the order desirable in a large area of conduct. Perhaps the clearest example of a purely voluntary adjustment of interests is the negotiation of an ordinary bargain. Every such negotiation illustrates the operation of tendencies which are generalized as "economic laws." Such laws embody no imperative, but merely state the possibility of predicting that certain things will happen.[54] If workmen demand high wages when the supply of workmen of that particular class is scarce, and the employer does not accede to the demand, it is stated as a generalization or "law" that the workmen will seek employment elsewhere, and the employer will be unable to find others, except at the higher wages. If, however, the demand is made when the labor supply is plentiful, the employer can find substitutes, and unless the demand is withdrawn the workmen will be discharged. While the "law" does not undertake to say whether any particular dispute will or will not be settled by agreement, it does say that unless it is so settled, unpleasant consequences will result, in one case for the employer and in the other for the workmen. These unpleasant conse-

[53] Godwin, *op. cit.* (3rd ed., London, 1798), vol. i, p. 398. See my *Statesman's Book of John of Salisbury* (N. Y., 1927), pp. lxxvii-lxxx. *Cf.* Herbert Spencer, "The Evanescence of Evil," in *Social Statics* (N. Y., 1892), pp. 28–32.

[54] Alfred Marshall, *Principles of Economics* (8th ed., London, 1920), pp. 29–37, 770–784.

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quences operate as a sanction to bring the parties to agreement on the most advantageous terms possible for each under the circumstances.

This result is not always achieved. If workmen do not understand that in an overstocked labor market their employer can fill their places with others at existing wages, or do not understand that the market is overstocked, they may stand out for a wage-increase and so lose their employment. If an employer does not understand that at a time of labor shortage he will be unable to find laborers at less than his workmen demand, he may refuse to meet their demand and so lose his business. When such ignorance exists, economic laws cannot ensure adjustments to the present advantage of both parties. The deadlock remains, and one party or the other must pay the penalty.

This result is not disturbing to those who see in the operation of economic laws a sufficient agency of control for economic behavior. If parties to a dispute are so unintelligent as not to perceive what their interests require, they will be victims of their folly and the operation of inexorable laws will effect all adjustments which are socially desirable. A glutted labor market, by depressing wages and lowering the cost of production, will bring new entrepreneurs into the field, and so in time create labor for the unemployed who have paid the penalty of insisting on high wages at the wrong time. By a kind of preëstablished harmony, situations which involve the depression of any interest will, it is supposed, tend in this way to right themselves and ultimately restore equilibrium.[55]

The path toward these supposed automatic readjustments is admitted to lie through countless conflicts where one party insists on an interest favored by the trend of the economic process, while the other does battle for another interest doomed by the process to defeat. If it could be validly assumed that whatever the outcome of one or all of these specific conflicts, a single inevitable adjustment of interests is in the end dictated by the

[55] Henry C. Carey, *Principles of Political Economy* (Phila., 1837–40); Bastiat, *Harmonies Économiques* (Paris, 1850). *Cf.* Herbert Spencer, *Social Statics* and *Man versus the State.*

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process, the actual result of particular conflicts would be immaterial, and no useful end would be served by attempting to ensure that any given conflict should issue in one adjustment rather than another. Actually, however, the "laws" of economics never drive forward to any such single predetermined outcome. They are always capable of producing more than one result, depending on the particular fact-situations on which they work.[56] The ultimate redress of interests which they predict requires for its accomplishment the continuance in operation of a relatively uninterrupted set of causes. A war, a new invention, the introduction of a new fashion in dress, will each deflect more or less the progress toward harmony which the law predicts. A succession of such interruptions may postpone the final adjustment of interests to a remote period or set up new sequences which prevent that adjustment from ever occurring.[57] There is, therefore, frequently room for a party against whose interest such a law is working to effect some change in the facts of a situation the result of which will be to cause the economic process to work in his favor rather than against him. It is to be normally expected, for example, that as the demand for goods increases, the demand for workers will likewise increase, but this result may be defeated by progressive invention and installation of labor-saving machinery. A decrease in the demand for goods would normally result in a decrease in the number of workers, but will not have this effect if through trade-union organization the workers can secure a diminution of the hours of labor.

Where the balance of advantage can thus be progressively deflected in favor of the interests of one party or the other by the introduction or non-introduction of new factors into the situa-

[56] J. E. Cairnes, *Logical Method of Political Economy* (2nd ed, London, 1875), pp. 107 ff.; F. A. Walker, *Political Economy* (N. Y., 1888), pp. 11–17; Marshall, *op. cit.*, p. 36.

[57] Henry Clay, *Economics for the General Reader* (N. Y., 1920), pp. 440–443; Governor's Advisory Commission, *Cloak, Suit, and Skirt Industry of New York City, Report of an Investigation*, by John Dickinson and Morris Kolchin (1925), pp. 143–155; Walton H. Hamilton and Helen R. Wright, *The Case of Bituminous Coal* (N. Y., 1925), pp. 19–94, 200–210.

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tion, an ultimately satisfactory adjustment for both parties cannot be expected to result automatically from the operation of economic laws. The final outcome depends on the nature of the adjustments reached in particular cases, and it is really worth the while of the parties to seek to influence that result to their advantage. A series of adjustments in favor of a particular interest may give a set to the total environment which will place other interests at a more or less permanent disadvantage, and may also affect interests not directly involved or represented in the conflicts adjusted. Therefore the question of whether or not an adjustment is reached in any given case, and if so, of its nature and terms, is not deprived of importance by any tendency which the economic process may have toward a harmony of interests.

The chief obstacle to voluntary interest-adjustments, as well as the chief element of weakness in many such adjustments, is the tendency of one party to push his dominant present interest to the utmost against the opposite party.[58] Such a course can often be seen by a disinterested third person to be adverse to other interests of the former party himself which do not chance to be dominant at the time, or with interests which he might, and probably would, form on fuller awareness of the total situation. Under the circumstances, however, such a party has no effective motion to check his invasion of the interests of his opponent short of the point to which he believes that he can in one way or another compel the latter to yield. There is always danger that if the resolution of interest-conflicts is left to voluntary action by the interested parties the outcome will represent nothing more than acquiescence by one party in the claims of the other because of inability to resist actual or threatened coercion. Such a settlement is but the prelude to a new chapter of conflict. Each party fears from his opponent an invasion of interests insisted on as inviolable; and this fear, coupled with a like willingness to disregard their opponents' interests, often makes men reluctant to agree to voluntary adjustment. In so far as interest-conflicts of any importance are settled voluntarily, the settle-

[58] Small, *op. cit.*, pp. 201, 281, quoting Gierke, *Deutsche Genossenschaftsrecht*, vol. i, p. 2.

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ment frequently, if not usually, requires for its accomplishment the intervention of an auxiliary agency capable of evoking and bringing into dominance interests of both parties which are mutually consistent in substitution for those which are incompatible. The importance of such "mediating" agencies is amply illustrated wherever the process of voluntary adjustment has proved effective in primitive or modern societies.

Among the Ifugao tribe in the Philippines, for example, we are informed that only those adjustments take place which are effected by custom or voluntarily arranged by the parties. No government exists, and all disputes are settled by private diplomacy. A central part, however, is played by professional middlemen or go-betweens. When a dispute arises, the party feeling himself aggrieved consults such a middleman, who puts himself in touch with the other party. "He beats down the demands of the plaintiff and bolsters up the proposals of the defendant until a point is reached at which the parties may compromise."[59] In order to bring the parties to voluntary agreement, resort is thus had to the intervention of an outsider who can study the interests of both parties impartially and evoke and intensify on both sides those interests which are favorable to a settlement. The usefulness of such an agency is coming to be recognized with special force in effecting voluntary adjustments of disputes between independent nations where increasing reliance is placed on the mechanism of mediation.[59a] Similarly, in economic controversies it is now well understood that the method of voluntary settlement ordinarily requires the assistance of an agency of conciliation or arbitration which stands in readiness before conflict arises.[60]

The existence of such an agency is not in itself a guarantee of

[59] R. K. Barton, *Ifugao Law* (*supra*, note 20), pp. 9–10, 94–9.

[59a] *E.g.*, The Bryan "Peace Commission" treaties and the Central American treaties of 1922–3, all setting up *permanent* commissions of inquiry and conciliation. See R. L. Buell, *International Relations* (N. Y., 1925), 590–593.

[60] Julius H. Cohen, *An American Labor Policy* (N. Y., 1920); Malcolm P. Sharp, "Due Process of Law," in *Industrial Government*, by J. R. Commons and others (N. Y., 1921), pp. 193–235.

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the voluntary adjustment of interest-conflicts in a manner satisfactory to both parties. The mediating agency, having nothing to rely on but its ability to evoke in the parties interests favorable to adjustment, must fail if such interests are too weak to supplant those which make for continuance of conflict.[61] This is shown by many of the attempts to effect voluntary adjustments of economic disputes between business competitors or between employers and workers. A good example of the former kind is the attempt made by American railroads between 1874 and 1887 to prevent rate-wars by voluntary agreement. A conference at Saratoga between the more important roads devised voluntary rules to meet the evil. The arrangement almost immediately collapsed and was succeeded by a series of similar abortive attempts made as a result of the rate-wars of 1876, 1881, and 1886. Writing in 1878, Charles Francis Adams said: "The agreements failed because there was no authority to enforce their observance and the incentives to break the contract were always strong. . . . . As soon as any company suspected another of violating the agreement it would authorize its officials to 'do as the others are supposed to be doing.' The difficulties which stand in the way of any permanent organization of a beneficial character are so great that it is little short of visionary to suggest that they can ever be overcome. There is no one legally authorized to enforce the peace between the contracting parties. Each reserves the right in the last resort to refuse obedience to the decision of any one."[62] The same story of failure is met with in many attempts to effect voluntary adjustments between employers and workers. A conspicuous instance was the breakdown of the so-called "protocols" which were in force in the needle trades of New York City between 1911 and 1916.[63] By these agreements, the workers on the one hand and the employers on the other consented to certain limitations on their freedom of action in the interest of the opposite party.

[61] Cohen, *op. cit.*, pp. 78–88.

[62] C. F. Adams, *Railroads and their Problems* (N. Y., 1878), p. 191. See also E. R. Johnson, *American Railway Transportation* (N. Y., 1906), p. 227; W. Z. Ripley, *Railway Problems* (Boston, 1913), pp. 134 ff.

[63] Julius H. Cohen, *Law and Order in Industry* (N. Y., 1916).

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Individual employers were never satisfied that the labor union was not discriminating against them through greater leniency in applying these limitations to their competitors, while the workers insisted that the employers did not conform to the rules with sufficient strictness.[64]

Adjustment by voluntary agreement is subject to some of the same disadvantages as adjustment by custom in dealing with the problems of fluid and mobile groups. Since the members of such a group never stand for any long time in the same relations to one another, and since the contacts between particular individuals are highly transient and casual, the psychological attitudes are not developed which can sustain and justify mutual confidence in the face of urgent economic interests of an adverse character. In other words, there is an absence of interests which can be relied on to come into play to soften and dispel conflicting interests, as would often happen in a stable community where a fixed group consisting permanently of the same individuals was bound into a set of lasting relations by cultural, social, and personal ties of a stable character.[65] Where there is no such fund of basic common interests to give footing to the opposing parties, there are no forces at work to cause one of the parties to make the necessary allowances for the conduct of the other in doubtful cases or to induce the latter to make the sacrifices required by the adjustment, if there seems a chance of obtaining some temporary advantage by violating its terms. The adjustment is thus always highly unstable and practically certain to be overthrown by any of the unpredictable alterations in the situation which are continually taking place within a mobile group.

Even in primitive groups, failure of the mediating agency to effect a satisfactory settlement between the parties is common. Among the Ifugaos disputes are often left to the arbitrament of force, resulting in the outbreak of a "blood-feud" between the families of the parties.[66] Even when conflict

[64] Louis Levine, *The Women's Garment Workers* (N. Y., 1924), pp. 233–319.
[65] *Cf.* Dewey, *The Public and its Problems*, pp. 39 ff.
[66] Barton, *op. cit.*, pp. 75–77.

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does not openly reach the stage of force, the result is very likely to be determined by the relative power or standing of the parties, or, in other words, by their relative prospects of success should force be resorted to, irrespective of whether such a result is one which the ethical sense of the rest of the community would otherwise approve.[67] There are levels of society at which such gaps in the system of orderly adjustment are not felt to offend the interests of members of the group generally. A similar state of affairs is still tolerated in international relations. There usually comes a time, however, when the results of such a system become objectionable to that larger part of the group who do not happen to be immediately concerned in any particular dispute. Whether or not any change is made when such a feeling comes into existence depends on the relative values which the section of the community that can make their views effective place on their interest in being able to further their own objectives by coercion, as compared with their other interests which are disturbed when other parties resort to coercion for a similar purpose.

There is a further defect in the operation of a system of voluntary adjustment of interests which is independent of any connection that system may have with the use of coercion. This is that parties, when left free to adjust their interests by voluntary agreement, may effect an adjustment which disregards the interests of others not immediately parties to the dispute, or which may even be accomplished directly at the expense of the interests of such others. This difficulty is not so apt to arise in a simple society where, apart from the interests canalized by custom, there is no complex interrelation between the interests of all the members of the group. This ceases to be true of many interest-conflicts which lead to disputes in a society of increasing complexity, and particularly of disputes connected with economic interests. Thus a dispute between competitors is almost certain to involve the interests of consumers. A dispute between shippers and carriers is apt to involve the interests of different localities, as well as those of different classes of

[67] *Ibid.*, p. 17.

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producers and consumers. A dispute between employers often involves the interests of their workers. Where such disputes are settled privately by the voluntary action of only the immediate parties, the other interests involved are almost certain to be affected adversely. The settlement, while resolving one conflict, is thus apt to give rise to others and so set in train a whole series of disturbances. For this reason the application of the method of adjustment of interests by voluntary agreement becomes a matter of vastly greater difficulty and delicacy as the interrelations between individuals become more numerous and subtle. The problem of order then presents itself, not as the comparatively simple one of adjusting the interests of two adverse parties, but in the much more complex form of effecting an adjustment between a comparatively large number of parties. Where this is the case, the difficulty of securing adjustment by the direct act of the parties themselves is enormously multiplied. An adjustment that will satisfy any two or more is almost certain to meet with opposition from some or all of the remainder. The only way to break the deadlock is usually by the imposition of some scheme or plan of adjustment emanating from a more or less impartial source, which will give to none of the parties precisely what they desired but which may in the long run satisfy all better than the condition of disorder and uncertainty for which it provides a substitute.[68]

Sometimes the parties can be brought to adopt such a scheme of adjustment by nothing more than the working of the principle of leadership. The scheme may be presented to them with such skillful appeal to certain of their interests as to overcome the strength of interests which it opposes. What concerns us here,

[68] It is to be noted that the efforts toward industrial "standardization," referred to above, note 46, as representing the idea of "self-government in industry," call for the organization, and depend upon the continued functioning, of a central organ within the industry, accompanying a more or less authoritative and impartial position, in the form of a committee to formulate rules and preside over their application. P. G. Agnew, "The National Safety Code Program," *Annals of the American Academy of Political and Social Science*, January, 1926. It is also to be noted that in most instances the impulse for the formation of such committees emanated from an outside source, the federal government.

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however, is simply the fact that adjustment is almost never possible without such a plan, whatever may be the motives which lead to its adoption. No fact is more important for an understanding of social processes or of the development of agencies of social control than that a conscious adjustment of interests between numerous parties cannot shape itself initially through the spontaneous action of all the interested parties, but must ordinarily result from the special efforts of some external agency consisting of an individual, or a relatively small number of individuals, charged with the task of surveying the situation as a whole and devising a plan. There is a tacit recognition of this necessity in the procedure of every public meeting, which does not undertake to draft resolutions as a committee of the whole, but in order that it may have something before it on which to act, appoints a small committee for the purpose of preparing a proposal.

The cardinal error of all anarchist theories, or theories of exclusive reliance on the method of adjustment by voluntary agreement, is that they tend to minimize, if not altogether to ignore, this fact. It has no great importance, of course, for minor conflicts to which there are only two parties, and which involve no interests other than those of the parties. To this class belong a vast number of the situations of daily private life. But in a complex group these are not the situations which raise the most difficult problems of order. The advocate of voluntary adjustment generally assumes that mere intelligence or good will on the part of the persons concerned in a situation will be sufficient to effect all necessary adjustments. This assumption disregards the necessity of any specialized agency or organ of adjustment. Its inadequacy is illustrated by one of the simplest, and at the same time clearest, instances of the need for adjusting complex human relations—the problem of traffic control at a crowded crossing. Such control, to be efficient, practically always requires the presence and directing activity of a specialized agency in the form of a traffic policeman. The best will and highest intelligence in the world on the part of every one of the constant stream of drivers will not guarantee

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that one of them, by a false guess as to the turn another is about to make, will not precipitate a collision which will involve all the others in a hopeless tangle. Concentration of the directing function in a single center is imperative.

[*To be concluded*]

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LABOR PARTIES IN JAPAN[1]

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One of the results of the passage of the manhood suffrage law of 1925 in Japan has been the rise of proletarian parties and the election of eight of their candidates as members of the Diet. In the House of Representatives these new members find themselves in the company of half a dozen minor parties and a group of independents, alternately ignored and courted by the two major parties. Their appearance coincides with a time when liberal opinion in Japan favors the two-party rather than the multiple-party system. But the economic significance of the new parties has saved them from the aspersion of merely adding to the confusion of minor groups. Moreover, the failure of Japanese liberals to develop a great party of liberalism invites a new association to seize a vantage ground so long unoccupied.

On the eve of the general election of 1928 the founders of the proletarian parties had reason to hope that careful strategy in the campaign would give the new parties a good start upon the same road that led the Labor party in Great Britain to the leadership of the parliamentary opposition and finally into office. The manhood suffrage act had increased the electorate from 3,341,000 to 12,534,360. Among the nine million new voters are included practically all the male factory toilers and agricultural workers. Here, indeed, is a rich field for proletarian vote-getting.

Both of the major parties are supported by the privileged classes. It is probably true that the Seiyukai, the party now in office, is more representative of the landed interests, while its opponent, the Rikken Minseito (an amalgamation of the Kenseikai and the Seiyuhonto), is more representative of the industrial interests. But both have close relations with the old

[1] All translations of Japanese sources in this article were made by Mr. Sterling Tatsuji Takeuchi.

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clan cliques and military interests, and both parties are affiliated with "big business." The Minseito is supplied with funds from the Mitsubishi, the Seiyukai looks to the Mitsui; and each party draws heavily upon the cash boxes of other large commercial enterprises. This does not necessarily signify that capitalists control the parties. It may even mean that capitalists fear the parties. There is scarcely a great industrial undertaking in Japan that has not received some protection or privilege at the hands of the government. Indeed, the sudden collapse of the Takata and Suzuki-Shoten by the meddling of the government indicates one reason for the willingness of business houses to pour funds into the campaign chests of the major parties. These connections are well known in Japan; they are frequently mentioned in the press, and even shouted from the rostrum of the House of Representatives.[2] Consequently there seems to be a widespread contempt for the venality of both parties. The Japanese people are newspaper readers, and the great dailies have little praise for the major parties. According to the well-edited *Jiji Shimpo*, all of the old parties "make a plaything of politics and treacherously throw dust in the eyes of the nation." The great liberal paper, *Tokyo Asahi*, with a circulation of a million, condemns these parties as "venal representatives of the

[2] For instance, the veteran statesman, Ozaki-Yukio, in defending his bill forbidding contributions to candidates, in the House of Representatives, recently said: "Parties spend considerable sums of money in ordinary times, and millions of yen at general elections. This is an open secret. The foremost capitalists in Japan are but purveyors to the government. The Mitsui and the Mitsubishi are the conspicuous examples. Most of these plutocrats serve the parties, and, on the other hand, if you examine their wealth, you will find that more than half of it has been made by this service. It is difficult for the parties to raise these millions of yen except by contributions from the plutocrats. And thus men of spotless integrity conspire with a few capitalists for election expenses, and when their party takes office they feel bound to reciprocate." *Kwampo gogai* (Imperial Gazette, extra), Feb. 2, 1927, p. 10. The Mitsui family, to which Ozaki refers, is one of the oldest of the "millionaire families." They control large houses engaged in banking, trading, shipping, mining, and steelworks, ranking in the order named. The Mitsubishi interests include shipbuilding, mining, steelworks, and banking. For an illuminating survey of the economic forces that rule politics, see Takahashi-Kamekichi, *Nippon Shihon Shugi Hattatsu-shi*, or History of Capitalism in Japan (Tokyo, 1928), p. 175–186.

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wealthy classes," and the *Osaka Mainichi*, which boasts a circulation of over a million, brands the parties as "corrupt and deteriorating."[3]

In view of these facts we may well ask why the new parties did not capture more than eight seats in a chamber of 466 members.[4] The proletarian parties polled barely 4.7 per cent of the vote. The reasons for this rather meagre showing include: (1) absence of class consciousness, (2) scarcity of well-known and experienced candidates, (3) lack of campaign funds, (4) oppression by the government, (5) inertia of voters and their fear of radicalism, and (6) internal dissensions and the failure of the parties to coöperate.

I. ABSENCE OF CLASS CONSCIOUSNESS

The theorists of the proletarian parties contend that ninety-five per cent of the population of Japan belong to the "non-propertied" class.[5] In 1927, the number of persons who paid income taxes on two thousand yen or more was 464,742.[6] The

[3] *Jiji Shimpo*, Jan. 25, 1927, p. 2; *Tokyo Asahi*, March 6, 1926, p. 3; *Osaka Mainichi*, Nov. 7, 1926, p. 3.

[4] RETURNS OF THE GENERAL ELECTION OF 1928

Party	*Candidates*	*Successful Candidates*	*Popular Vote*
Seiyukai	341	219	4,260,159
Minseito	342	217	4,262,580
Kakushinto	15	4	102,998
Jitsugyo Doshikai	29	4	172,074
Labor Parties	88	8	492,177
Independents	152	14	591,814
Total	967	466	9,881,802

Cf. *Tokyo Asahi*, March 6, 1928, p. 4; *Nichi-nichi Shimbun*, March 4, 1928, p. 4; *Fusen Dai-ichiji no Sosenkyo Keika* (First General Election under the Universal Suffrage Act), May 15, 1928, p. 3. The latter document is published by the Shin Nippon Domei Chosabu, or Research Department of the New Japan Union of Tokyo, a non-partisan scientific organization.

[5] Cf. Professor Abe-Isoo in *Shakai Minshūto Koryo Kaisetsu*, or Explanation of the Principles of the Shakai Minshūto (Tokyo, 1927), p. 6.

[6] *Okura-sho Dai Gojusan-kai Nempo*, or Treasury Department: 53rd Annual Report (Tokyo, 1928), p. 146.

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census shows the number of families to be 11,999,609. It is estimated that, on an average, one person in a family pays an income tax. It thus appears that approximately 464,742 families in a total of 11,999,609, or about 3.8 per cent of the population, have an income of sufficient size to be included in the property-owning class. This is, of course, only an approximation based upon a rather crude method, but it is sufficiently accurate to indicate that there is a large concentration of wealth in the hands of a small per cent of the population. Nevertheless, there appears little evidence of class-consciousness among the wage-earners of Japan. Despite the propaganda of intellectuals like Professors Abe and Oyama and the eloquence of labor and peasant leaders like Suzuki-Bunji and Sugiyama-Motojiro, the workingmen of Japan are not aware of the class-struggle. In the election campaign, the proletarian parties demanded super-taxes on the rich, socialization of industries, legalizing of strikes, liberalizing of tenant rights, and social insurance laws—all of this without awakening a wide response from the classes which are usually attracted by these policies.

Particularly in the country districts, the proletarian parties made little impression. It is true that in these areas the political meetings of the proletarian parties were often attended by larger crowds than the meetings of the major parties. For fifteen years the Nippon Nomin Kumiai, or Japanese Farmers' Union, has carried on a campaign of education. But the agricultural laborers and tenant farmers were apathetic and the Seiyukai candidates reaped the votes. Even Sugiyama, the veteran leader of the Nomin Kumiai, failed to win a seat. Political observers assert that the Japanese peasant, whether land-owner, tenant, or farm drudge, is markedly conservative.[7] The proletarian parties made their best showing in the large towns and factory centers. But even here a lack of class consciousness is apparent.

[7] Compare a writer in the *Osaka Asahi*, March 4, 1928, p. 2. One exception to the general lack of class consciousness is found in the *eta*, or outcasts, nearly 1,200,000 in number, who are partially organized in the Suiheisha, or Equality Society.

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For more than thirty years labor unions have struggled for existence, while strikes have been severely suppressed by the police. Even today labor unions have no status under the law. In the last few years, bills legalizing them have been projected by the government, but nothing has yet been placed on the statute book. Statistics for 1927 show 423 labor unions, with a total membership of only 284,321, while the laborers in Japan number more than 9,026,536.[8] In Great Britain the mainstay of the Labor party is the trade unions with their four and a half million members. In Japan the workers lack not only political experience but even the technique of trade-unionism.

II. HANDICAPS OF THE LABOR PARTIES

The proletarian parties have a dearth of well-known and experienced candidates to stand for election, and they lack campaign funds. Indeed the prevailing system of electioneering militates in almost every way against the new parties. The constituencies, all of which return three to five members, cover large areas, with the result that travelling expenses are heavy. The lavish use of decorated posters is expensive; the hiring of halls and telephones is an added burden; the election law requires a deposit of two thousand yen, to be forfeited in case the candidate fails to win a certain percentage of the votes; and, finally, there exists in some constituencies an active competition in bribery. Under law, the campaign expenses of candidates are limited to a sum varying between twelve and fifteen thousand yen.[9] But it is a common scandal that candidates of all the old parties egregiously exceed this limit. It has been

[8] *Naimu Tokei-kyoku: Rodo Tokei Yoran*, or Home Office, Bureau of Statistics: Abstract of Labor Statistics (1928), p. 6. Cf. *Rodo Nenkan*, or Labor Year Book (1926), published by the Nippon Rodo Sodomei and Sangyo Rodo Chosa-sho, p. 11.

[9] The expenses must not exceed an amount equal to forty sen per voter for the average number of qualified voters in the district. The total amount that a candidate may spend is determined in the following manner: the number of qualified voters is divided by the number of members returned by the district; then forty sen is multiplied by this quotient. *Genko Horei Shuran*, or Compilation of Laws and Ordinances in Force (1927), I, bk. ii, pp. 16–17.

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estimated that the average cost of a campaign is as high as fifty thousand yen per candidate.[10]

The rivalry in electioneering has proved a heavy drain upon party treasuries. In competition with the extravagant expenditures of the old parties, proletarian and independent candidates must show unusual qualities in order to attract any votes at all. Such a candidate as Abe-Isoo, for years a prominent professor of sociology at Waseda University, author of many books, the father of baseball in Japan, one of the founders of the Social Democratic party of 1901, founder of the Fabian Society in Japan, and the prime mover in the new Shakai Minshūto—such an outstanding candidate has assurance of carrying his constituency, as well as securing election funds from honorable sources.[11] A similar advantage is enjoyed by Suzuki-Bunji, the beloved labor leader and co-founder of the Shakai Minshūto. But lesser figures among the proletarian candidates are hard pressed for funds and devices to catch the attention of the voters. In this connection we may recall that the brilliant young leader of the Meiseikai, Tsurumi-Yusuke, attributes his election from the rural constituency of Okayama, not to his widely read books, but to an error of the local newspapers in announcing his aëroplane journey from New York to San Francisco as a trans-Pacific flight! Another shrewd candidate ascribes his success to a deluge of picture post-cards with foreign stamps which he mailed to his constituents from Europe and America. Even these tactics require funds; and, as with the British Labor

[10] See a statement by Tabuchi-Toyokichi in *Kwampo gogai*, May 4, 1928, p. 77. For statistics on election violations, see Saka-Senshu and Miyake-Masataro, *Futsu Senkyo Yoko*, or Commentary on Universal Suffrage Law (Tokyo, 1927). A charge was made in the *Chuo Koron* for March, 1928, that Uchida-Nobuya, in the election of 1924, spent 500,000 yen and purchased votes at the price of 100 to 150 yen per vote. *Japan Weekly Chronicle*, March 8, 1928, p. 281. Cf. Ishikawa-Rokuro, "Internal Scandals of the Political Parties," *Kaizo*, Oct., 1928, pp. 72–78.

[11] Professor Abe's election expenses totaled only 5,610 yen. Contributions to the amount of 8,500 were received from admirers even outside of Japan. *Tokyo Asahi*, March 4, 1928, p. 2; *Japan Weekly Chronicle*, March 8, 1928, p. 283.

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party, the trade unions are expected to contribute to the campaign expenses of candidates.[12]

Undoubtedly the subversive tactics of the Tanaka government were partly responsible for cutting down the vote of the proletarian parties. In Japan, the government can "make" elections as in various European countries. The first general election under the manhood suffrage law was marred by grave derelictions. Baron Tanaka's assumption of office in April, 1927, had been followed by a wholesale removal of governors to make way for Seiyukai followers who would use their authority over the local police to aid their party at the polls. During the campaign there was systematic oppression of all opposing candidates, but the hand of the home minister fell most heavily on the proletarian parties. Election-workers were arrested and political meetings suppressed on flimsy excuses.[13] Night after night, the police interrupted the speeches of Oyama-Ikuo, leader of the Rodo Nominto, or Labor-Farmer party. One of the most extreme cases is found in the struggle of Aso-Hisashi to win a seat in Ashio, a copper mining district where labor unionism has had a checkered career. In the prefectural election of 1927, the local union had captured several seats in the council. The Ashio Copper Mining Company now brought severe pressure upon the miners, threatening dismissal, and actually suspending ten employees for political views, while the aid of the police was secured to close public halls and break up evening meetings.[14] It also appears that the mining company contributed funds impartially to both the Seiyukai and Minseito. In general, all of the proletarian parties, as well as the

[12] *Rodo Nenkan, 1926*, p. 48.

[13] Specific charges were made in the Diet. *Kwampo gogai*, April 27, and 29, 1928, pp. 19–29, 32–35, 38, 68–69. Cf. *Japan Weekly Chronicle*, May 3 and 10, 1928, pp. 538, 540, 542, 567.

[14] Aso-Hisashi, "The Desperate Battle at Ashio," in *Kaizo*, April, 1928, pp. 21–32. This article is considerably deleted; omission signs indicate the gaps caused by the government censor. Aso is the founder of the Nippon Ronoto, or Japanese Labor-Farmer party. A graphic account of the Ashio contest is given in the *Tokyo Asahi*, Feb. 16, 1928, p. 2.

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powerful Minseito, suffered under the abuses of the Tanaka administration.

Again, there is little doubt but that the fear of radicalism as well as the inertia of voters partly accounts for labor's meagre returns. All of the proletarian parties are identified with socialism, but they differ widely in degree of radicalism. The Shakai Minshūto, or Social Democratic party, and the Nippon Nominto, or Japanese Farmer party, represent a heterogeneous group of intellectuals, trade-unions, and peasants' societies, with platforms not greatly different from the principles of the Labor party of Great Britain or the Social Democrats of Germany. They stand for a moderate constitutional state socialism. On the other hand, the Rodo Nominto, or Labor-Farmer party, which played a conspicuous part in the election, and was suppressed by the government six weeks later, represented the left wing of labor. It contained a considerable number of communists, and was popularly believed to be a branch of the Third International. The Nippon Ronoto, or Japanese Labor-Farmer party, together with the local parties, attempted to steer a middle course between the right and left wings of labor. In the popular mind the radicalism of the Rodo Nominto was vaguely identified with all the labor parties, despite the energy of the leaders of the Shakai Minshūto in condemning the doctrine of communism. The proletarian parties were accused of receiving financial aid from Russia.[15]

The parties also suffered from dissension and lack of coöperation. Eighty-eight proletarian candidates were backed by the seven parties. The Rodo Nominto supported 40 candidates; the Shakai Minshūto, 19; the Nippon Nominto, 13; the Nippon Ronoto, 13; and three local parties, one each. Not only was there diversity of proletarian parties, but some of these groups were as antagonistic toward each other as toward the bourgeois parties. Thus the attempt to prevent proletarian groups from competing with each other was not wholly successful. Japan has a simple form of proportional representation. Each electoral district sends three, four, or five members, and each voter has

[15] Cf. *Japan Weekly Chronicle*, March 8, 1928, p. 285.

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but one vote to cast.[16] It is a matter of proper strategy for allied parties to reach some agreement to refrain from placing more than one candidate in any district unless there appears a good chance to elect two or more of the members from that district. Failure to make such agreements in a number of cases resulted in the defeat of proletarian candidates.

Election agreements were concluded between some or all of the proletarian parties in twenty-five districts, while in sixteen no agreements were effected and labor candidates opposed each other. A typical case is the first district of Kanagawa-ken.[17] This district has three seats. The Seiyukai cautiously offered only one candidate; the Minseito offered two; an independent appeared; and two proletarian candidates offered themselves, one for the Shakai Minshūto and one for the Rodo Nominto. An agreement to place only one candidate in the field fell through. If all the proletarian ballots in this district had been cast for the same candidate, he would have secured 19,269 votes, the highest in the district. An analysis of the election returns indicates that if the labor parties had effected agreements in nine districts where their candidates opposed each other, the proletariat would have had a good chance to send seventeen members to the Diet instead of eight.[18] The election of 1928 has served as an object lesson for the unitarians in the

[16] *Genko Horei Shuran* (1927), I, bk. ii, p. 12.

[17] VOTE IN FIRST DISTRICT OF KANAGAWA-KEN IN GENERAL ELECTION OF 1928

Candidates	*Parties*	*Popular vote*
Toi	Minseito	18,537
Miyake	Minseito	18,173
Isono	Seiyukai	13,616
Okazaki	Shakai Minshūto	12,522
Shindo	Rodo Nominto	6,747
Hashimoto	Independent	2,939

This chart is constructed from statistics taken from *Fusen Dai-ichiji no Sosenkyo Keika*, May 15, 1928, p. 52.

[18] These districts are: Tokyo, first, second, and third; Niigata, second; Kanagawa, first and second; Osaka, first and fourth; and Hyogo, second. Cf. Susuki-Shigeto, "Election Agreements and the Union of the Proletarian Parties," *Kaizo*, April, 1928, p. 127.

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proletarian parties in their campaign for a federation, if not a union, of parties.[19]

III. THE RISE OF SOCIALISM AND THE LABOR MOVEMENT

Three elements have contributed to the formation of the proletarian parties—the labor unions, the peasant unions, and a group of intellectuals, many of the latter being graduates and professors of the Imperial University of Tokyo and of Waseda University. The same schism that divides the proletarian parties is found in all of the contributing groups. The rock on which they split is communism. It has sometimes been stated that this disruption is due to a slavish attachment to the ideology of social democracy. In the effort to break down this doctrinairism, Professor Abe has gone so far as to assert that fundamentally socialism, communism, and anarchism are in agreement, that really they are only different roads leading to the same mountain peak.[20] This expansive view, however, is not widely shared. The right wing of labor, for instance, utterly rejects close association with the left wing, and the radicals, on their part, demand an over-abundance of expression that tries the patience of the conservatives.

For thirty years or more, socialism has been the creed of the labor unions of Japan. In 1897, Katayama-Sen, who learned his Marxism in the United States, founded the Rodo Kumiai Kiseikai, or Association for Forming Labor Unions, and he soon organized unions among the iron workers and the railway engineers and firemen in Tokyo.[21] At the same time, Katayama joined with fourteen other young men in the Shakai Shugi Kenkyukai, or Society for the Study of Socialism. Among the group were Abe-Isoo, Kotoku-Denjiro, and Kawakami-Kiyoshi. In 1901, members of this debating society coöperated with the

[19] Compare the articles of Tadokoro-Teruaki, Susuki-Shigeto, and Inomata-Tsunao in *Kaizo*, April, 1928, pp. 120–129; and the symposium, "Is the United Fighting Front of Proletarian Parties Possible?," *Chuo Koron*, Oct., 1928, pp. 75–88.

[20] "Separating Point between the Right and the Left," *Kaizo*, April, 1926, p. 73. Cf. *Japan Weekly Chronicle*, May 6, 1926, p. 530.

[21] Katayama-Sen, *The Labor Movement in Japan* (Chicago, 1918), p. 36.

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leaders of the Iron Workers' Union to form a political party under the name of Shakai Minshuto, or Social Democratic party, with a platform demanding the abolition of armaments, universal suffrage, and the nationalization of land and industries.[22] Thus at an early date socialism and labor-unionism went hand in hand.

The rising industrial power of Japan saw a menace to capital in the growth of organized labor, while clan rule under the constitution of 1889 sensed an enemy in the "dangerous thoughts" of the young socialists. As a result, the Diet enacted a statute resembling Bismarck's famous act of 1878 to curb the German socialists. The Japanese *Chian Keisatsuho*, or peace police law, of 1900 forbade the attempt to enlist persons in any movement to raise wages, shorten hours, or lower land rents, and gave the home minister power to suppress the meetings of any association which he considered dangerous to the peace and order of the community. Under this legislation, socialism and the labor movement were drastically repressed. Little comfort to Japanese labor was the fact that only a few years previously Social Democrats in Germany had submitted to the presence of policemen on the platform of every meeting—officers who could close the deliberations at any time by standing up and putting on their helmets. Lassalle had proclaimed the universal ballot as the workingman's hope; but in Japan the laborer and the small peasant possessed not even this hope.

The Shakai Minshuto was dissolved by the police on the same day that its manifesto appeared, while the *Yorozu Choho* and three other newspapers were suspended for publishing the declaration of the new party. In the following years a number of socialist societies arose and were suppressed. Syndicalism and anarchism crept into the country, leading to the anarchist trials of 1911 which sent Kotoku and eleven comrades to the scaffold

[22] Professor Abe's account of this party is found in the *Kaikoku Gojunen-shi*, or Fifty Years of New Japan (ed. Fukushima-Yasoroku), II, pp. 955–982. Cf. Sakai-Toshihiko, "History of Japanese Socialist Movement," *Kaizo*, Feb., 1929, pp. 86–100; March, 1929, pp. 46–60. Probably the first attempt to found a Marxian socialist party was that of Tarui-Tokichi, who formed the Shakaito, or Socialist party, at Nagasaki in 1882, promptly suppressed by the government.

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on the charge that they had plotted to overturn the régime of the Mikado. Thereafter Marxian socialism made little headway until the Russian revolution of 1917. Labor unions, likewise, were coerced and strikes crushed by the police. It was not until Suzuki-Bunji organized the Yuaikai, or Friendly Society of Workers, and not until the business boom of the World War caused a scarcity of labor, that trade-unionism revived.

The Yuaikai, like the early labor unions, was promoted by the intellectuals. Suzuki, a graduate of the Tokyo Imperial University, had begun by holding workers' meetings in a Unitarian chapel.[23] The Tokyo street-car strike of 1911 provided an opportunity for promoting a federation of all labor unions. When the World War brought great industrial activity, the unions won easy victories in forcing employers to concede higher wages and shorter hours. The federation thrived. In 1921, when the name was changed to Nippon Rodo Sodomei, or Japanese Federation of Labor, there were 155,000 members. Suzuki-Bunji twice visited the United States during the World War, and some observers have asserted that his admiration for Samuel Gompers led him to model the Yuaikai upon the American Federation of Labor. However this may be, there has always been a large element in the organized labor of Japan that opposes federation; seldom have more than half of the labor unions at any time joined the federation. At the same time, allied local federations, like the Kwanto Federation, embracing the great eastern industrial district, have been restive under central control.

Besides the problem of federation, two other questions brought dissension into labor ranks. One was the radical movement; the other was the attempt to form a political party. The Russian experiment awakened unusual interest among the intellectuals in Japan, and the rice riots of 1918 increased the democratic spirit. In 1919 Yoshino-Sakuzo, a professor of

[23] Suzuki-Bunji, "History of the Labor Movement in Japan," in *Shakai Keizai Tai-kei*, or Cyclopedia of Sociology and Economics (Tokyo, 1927), III, p. 271.

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political science in the Imperial University of Tokyo, aided by able writers in the *Tokyo Asahi*, began his significant campaign against militarism; and in the same year enthusiastic intellectuals organized the Shinjinkai, or Young Men's Society, to study liberal government and socialism.[24] Marxian socialism and pacifism became popular, students' clubs were formed, and even a Federation of Students' Associations. The student agitation had its counterpart in the labor unions. Many local unions were alleged to be bolshevist in doctrine, and even the Nippon Rodo Sodomei, in 1922, adopted resolutions demanding that the government evacuate Siberia and open negotiations with Soviet Russia.

A change in attitude soon appeared. The great earthquake and fire of September, 1923, mark the turning-point in the outlook of the Federation of Labor. The organization was carried along on the wave of reaction which witnessed many brutal scenes enacted by the police and ruffian bands of the Kokusuikai, or National Essence Society, ranging from raids on professors' houses and seizure of copies of Karl Marx's *Kapital* to the cold-blooded murder of Osugi-Sakae and his family by Captain Amakasu. Even before the earthquake, the police had suppressed the alleged Japanese branch of the Third International. The home ministry, however, was not satisfied with its powers to break up student and communist organizations, and in 1925, against the protest of a few liberals like Ozaki, it secured the passage of the *Chian Ijiho*, or peace preservation law, forbidding the existence of any association the object of which was to "change the fundamental character of the state or to deny the system of private property."[25] The

[24] Hayaski-Fusao, "Students' Social Science Activities," *Kaizo*, Jan., 1925, pp. 276–280; Aso-Hisashi, "Social Movements among the Students," *ibid.*, Sept., 1925, pp. 162–170; Akamatsu-Katsumaro, "Historical Sketch of the Shinjinkai," *ibid.*, June, 1928, pp. 68–74. Cf. *Japan Weekly Chronicle*, Oct. 1, 1925, p. 420.

[25] Art. i of this law reads: "To organize an association with the object of changing the fundamental character of the state or to deny the system of private property, or to join such an association with knowledge of the nature of its purpose, shall be punished by imprisonment of not more than ten years."

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new law was energetically applied in an attempt to save the country from the much-feared Bolshevist propaganda.

The conservatives in the Nippon Rodo Sodomei determined to eject all communists from the federation, and were able to carry a vote to dissolve a local federation in Kwanto as being too radical.[26] The expelled unions joined with other dissenters to form the Nippon Rodo Kumiai Hyogikai, or Japanese Council of Trade Unions, which became the nucleus for the left group in the labor movement. This episode was not, however, the end of the disintegration, for in October, 1925, a number of unions seceded from the federation in protest against the extreme treatment meted out to the communists. The seceders formed the Rodo Kumiai Sorengo. Finally, in November, 1926, when the struggle over the formation of a unified political party ended in the withdrawal of the Nippon Rodo Sodomei from the newly formed Farmer-Labor party, Aso and his adherents left the parent federation and founded a new group of unions under the name of Nippon Rodo Kumiai Domei, or Japanese Federation of Trade Unions. Thus the year 1926 saw organized labor divided into four camps—one representing the right, two the center, and one the left wing of the labor movement.

IV. FORMATION OF THE LABOR PARTIES

The schism in labor unionism was carried over to the proletarian parties. For years the Nippon Rodo Sodomei had kept out of politics, not in imitation of the American Federation of Labor, as has often been asserted, but because of its inherent

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Genko Horei Shuran, II, bk. x, p. 17. The *Chian Keisatsuho*, passed in 1900 and amended in 1926, provides in Art. viii: "In case an association falls within the categories of Section 1, the Minister of Home Affairs may prohibit the same. However, in this case, if a person claim an infringement of his rights by alleged illegal acts, he may bring suit in the administrative court." *Genko Horei Shuran*, II, bk. x, p. 16.

[26] *Tokyo Asahi*, March 15, 1925, p. 2; March 26, 1925, p. 7; April 16, 1925, p. 11. For this phase of the labor movement, see Matsuoka-Komakichi, "The Truth about the Rodo Sodomei Dissension," and Yamamoto-Kenzo, "Our Point of View," *Kaizo*, June, 1925, pp. 139–143, 145–148. Cf. *Rodo Nenkan*, 1925, pp. 74–76, and *Nippon Rodo Nenkan*, 1926, published by the Ohara Shakai Mondai Kenkyusho, or Ohara Institute for Social Research, p. 218.

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caution as well as its appreciation of the futility of political activity when the working-class was disfranchised. Another reason for repudiation of political activity was the manner in which the government ignored the labor unions in the appointment of delegates to the International Labor Conference at Geneva. Resentment of this treatment had led the Rodo Sodomei to refuse all recognition of the International Labor Organization. But the announcement of the Yamamoto government after the earthquake of 1923 that a universal suffrage bill would be introduced in the Diet prompted the Rodo Sodomei to reverse its policy, and to undertake the formation of a political party.[27]

Under the influence of such leaders as Professor Abe, plans were studied for a party that should include most of the labor unions, the peasant unions, and the intellectuals, and which should be organized somewhat on the model of the British Labor party. Local labor unions responded enthusiastically.[28] Indeed, two districts, early in 1925, went ahead of the central organization and formed local parties. The copper miners of Ashio established the Kominto, or Citizens' party, while the workers in the government-managed Yawata Steelworks set up the Kyushu Minkento, or Kyushu People's Constitutional party. In commenting on these local parties at the time, Professor Abe declared that their rise proved that the new political movement was growing from the bottom rather than the top.[29]

In the negotiations to create a unified party, the Nippon Nomin Kumiai, or Japanese Farmers' Union, played the leading rôle. This union represented 100,000 tenant farmers who de-

[27] *Rodo Nenkan, 1925*, pp. 132–140. Cf. *Japan Weekly Chronicle*, Jan. 17 and 24, 1924, pp. 79, 121; Oct. 23, 1924, p. 575; Dec. 26, 1924, p. 856.

[28] For instance, favorable action was taken by the Kwanto Domei. *Tokyo Ashai*, Oct. 6, 1924, p. 4. The agency of the intellectuals in promoting a proletarian party at this time was the Seiji Kenkyukai, or Society for the Study of Politics. Cf. Shimanaka-Yuzo, "Organization of the Seiji Kenkyukai," *Kaizo*, Jan., 1925, pp. 254–258; Aono-Kikichi, "Origin of the Proletarian Parties," *ibid.*, June, 1925, pp. 104–111; "The Proletarian Party," *Japan Weekly Chronicle*, April 30, 1925, pp. 549–550.

[29] "Rise and Growth of the Proletarian Parties," *Kaizo*, June 1925, p. 75. Cf. *Japan Weekly Chronicle*, June 4, 1925, p. 706.

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sired to secure, among other things, an equitable tenancy law. As early as February, 1924, the Farmers' Union made proposals for an all-Japan proletarian party. Eventually most of the labor unions responded, and preliminary meetings were held in August and October, 1925.[30] Unfortunately, the Rodo Sodomei and the radical Hyogikai, or Japanese Council of Trade Unions, came to blows over the question of the exclusion of the Seiji Kenkyukai, an organization of intellectuals which was accused of communist opinions. As a result, on the eve of the inauguration of the new party, the Rodo Sodomei withdrew its support; the Hyogikai followed the example of their opponents; and the new party was launched by the center group alone, representing only thirty-five unions with 140,000 members. It was christened the Nomin Rodoto, or Farmer-Labor party. The platform of thirty-four articles was moderate and dignified, with no advocacy of communism, no announcement of the proletarian dictatorship, not even anything about nationalization of property. It advocated parliamentary action rather than direct action, and demanded constructive reforms such as reduction in armaments, tenant rights, social insurance, the legalization of strikes, and the collective bargain.[31]

Long life was not bestowed on the new party. A few hours after its birth, the home minister in the Kenseikai cabinet ordered its suppression, on the ground that, although the radicals had withdrawn, the party actually harbored communists and cherished a secret platform of communistic principles.[32] While the dissolution of the Nomin Rodoto was denounced both in the press and in the Diet as an infringement of liberty, the public had small sympathy for the defunct party.

[30] For accounts of the preliminary meetings of the Nomin Rodoto see a symposium on "Problems of Nomin Rodoto," *Kaizo*, Jan., 1926, pp. 31–58. The article by Koiwai-Akira entitled "Preparatory Period of the Nomin Rodoto" is particularly noteworthy. Cf. Abe-Isoo, "Rise and Growth of the Proletarian Parties," *Kaizo*, June, 1925, p. 75–82.

[31] *Nippon Rodo Nenkan, 1926*, p. 262. Cf. *Tokyo Asahi*, Nov. 30, Dec. 1, and 2, 1925, pp. 1, and 2. *Japan Weekly Chronicle*, Dec. 10, 1925, p. 742.

[32] *Tokyo Asahi*, Dec. 4 and 6, 1925, p. 4. Cf. *Japan Weekly Chronicle*, Dec. 10, 1925, p. 747.

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The way was now open for a party composed wholly of the right and center factions of labor. Such a party was launched in March, 1926, under the name of Rodo Nominto, or Labor-Farmer party. It represented the joint efforts of the Nippon Nomin Kumiai, the Rodo Sodomei, a large group of labor unions, and a sprinkling of intellectuals. The platform was a most moderate document, indeed, so moderate that the Home Minister could find little excuse for a dissolution order.[33] This auspicious inauguration of the party, however, did not bring harmony. The first split occurred in the ranks of the Nomin Kumiai, or Farmers' Union, when a conservative group who saw a fundamental incompatibility between the rural and the city worker withdrew and formed a separate party under the name of Nippon Nominto, or Japanese Farmers' Party.[34] This secession took out of the united party nearly fifty thousand farmers. Within the ranks of the Rodo Nominto friction arose between the Rodo Sodomei and the Farmers' Union. The question at issue was the admission of four organizations accused of communism. When the Rodo Sodomei was voted down and radicals began to enter the party, the defection of the Federation and many local unions was but a question of time.[35] At the meeting of the central committee in October withdrawals came so rapidly that within twenty minutes only the delegates of the Farmers' Union and the Potters' Union were left.[36]

The third venture of the Rodo Sodomei in the political arena

[33] *Tokyo Asahi*, March 5, and 6, 1926, pp. 3, and 5; *Nippon Rodo Nenkan, 1927*, p. 145. Cf. *Japan Weekly Chronicle*, March 11, 1926, p. 296.

[34] *Tokyo Asahi*, July 6, 1926, p. 2; *Japan Weekly Chronicle*, July 8, 1926, p. 40; Oct. 28, 1926, p. 515. Cf. Tsuyama, The Present Condition of the Nippon Nominto," *Kaiho*, Dec., 1926, pp. 15–16.

[35] *Tokyo Asahi*, April 19, and 20, 1926, p. 2; *Jiji Shimpo*, April 20, 1926, p. 4. *Japan Weekly Chronicle*, April 29, 1926, p. 503. The four organizations were the Nippon Rodo Kumiai Hyogikai, or Japanese Council of Trade Unions; the Musansha Kyoiku Domei, or Proletarian Educational League; the Suiheisha Musan Domei, or Suiheisha Proletarian League; and the Zenkoku Musan Seinen Domei, or All-Japanese Proletarian Young Men's Union. For accounts of the dispute from the pens of Abe, Akamatsu, Oyama, Aso, and Yamakawa, see *Kaizo*, Dec., 1926, pp. 51–69, and *Chuo Koron*, Dec. 1926, pp. 105–136.

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came a few weeks later when, under the leadership of Suzuki-Bunji, it accepted the call of Professors Abe, Yoshino, and Horie to join with the intellectuals in forming a party on the British model. The new organization took the name of Shakai Minshūto, or Social Democratic party. Its platform was practically the same as that adopted by the Rodo Nominto in the preceding March.[37] This was not the end of party making. Confusion was further increased when Aso defied the leadership of Suzuki-Bunji and led the Japanese Miners' Union, 14,000 strong, out of the Rodo Sodomei. Joining a group from the Farmers' Union, the miners organized the Nippon Ronoto, or Japanese Labor-Farmer party, of which the aspiring Aso took the presidency.[38] Thus, within a year, the proletarian party had broken into four new organizations. At the same time a number of local labor parties were established.

The bitter quarrel that wrecked the first two proletarian parties is not to be ascribed solely to the vanity of the labor leaders. It is true that a comparison of the party platforms fails to indicate any great difference in principles between the Shakai Minshūto and the radical Rodo Nominto. But it was commonly believed in Japan that the moderation displayed in the platforms of both the Rodo Nominto and the Nippon Ronoto was merely a disguise to avoid prosecution under the peace police law and the peace preservation law, and that the real principles of the parties included revolutionary socialism and direct action. Even the conciliatory Professor Abe, who holds no brief against the class struggle, condemned the com-

[37] For accounts of the inauguration of the Shakai Minshūto, see *Jiji Shimpo*, Nov. 20, 1926, p. 2; Dec. 5, 1926, p. 2; *Tokyo Asahi*, Nov. 21, 1926, p. 3, Dec. 5, 1926, p. 2; *Japan Weekly Chronicle*, Dec. 2, 1926, p. 664. The Chinese characters in the words "Shakai Minshuto" (the party of 1901) indicate a socialist party dedicated to the mastership of the people; while the characters in the words "Shakai Minshūto" (the present party) imply simply a socialist party for and by the masses, or people. The latter name avoids any charge of disrespect to the Emperor.

[38] *Tokyo Asahi*, Dec. 10, 1926, p. 5. A translation of the account of Suzuki-Bunji regarding the defection of Aso from the ranks of the Federation, originally published in the *Jiji Shimpo*, is found in the *Japan Weekly Chronicle*, Dec. 16, 1926, p. 721.

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munists in the proletarian parties for the methods that they proposed to employ in behalf of the social democracy.[39] The difference between the Second International of Amsterdam and the Third International of Moscow, between the French socialists and syndicalists, between the Russian Mensheviki and Bolsheviki, is thus again revealed in the proletarian disputes in Japan. It is the universal struggle, waged in all countries, between the revisionists who aim at a state socialized by constitutional processes and the radicals who are not so particular as to how the revolution comes.

V. PLATFORMS OF THE PARTIES

New parties are apt to take their platforms very seriously. This is eminently true of the Shakai Minshūto, which has established a school for educational propaganda and has published an excellent series of tracts expounding the ideals of the party. Its program is set forth in a formal declaration of principles and a platform. The former indicates a philosophy of political action in the following words: "(1) We are convinced that a sound national life can be secured by ushering in political and economic systems which are primarily calculated to advance the interests of the hardworking classes (*kinro kaikyu*) and are determined to do our best to attain this end. (2) We regard the capitalistic methods of production and distribution as deterrent to the development of a sound national life, and are consequently determined to secure their reform by legitimate means. (3) We are opposed both to the existing political parties which represent the interests of the privileged class and to radical parties which disregard the process of social evolution." The platform in outline form includes[40]: (1) complete realization of universal suffrage; (2)

[39] Cf. "Disruption of the Rodo Nominto is not a Catastrophe," *Kaizo*, Dec., 1926, p. 52. See also Yoshino-Sakuzo, "The Road to be Taken by our Proletarian Parties," *Chuo Koron*, Jan., 1927, pp. 167–223.

[40] The platform is published on the covers of the *Shakai Minshūto Pamphlets*. In the pamphlets it is explained that realization of universal suffrage means: (1) lowering the age limit for voters to twenty-one; (2) woman suffrage; (3) public holiday to allow employees to vote; (4) modification of residential require-

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reform of the House of Peers; (3) removal of restrictions on the freedom of speech, assembly, and association by (a) repeal of the peace preservation law, (b) revision of the peace police law, (c) revision of the press law; (4) reform of the military administration; (5) popular control of diplomacy; (6) reform of national finance by (a) graduation of the property tax, income tax, and inheritance tax, (b) abolition of the consumption tax on necessities of life, (c) extension of banking facilities for the common people; (7) reform of administration by (a) reorganization of local agencies, and (b) improvement in sanitary regulations; (8) reforms in education by (a) revision of the financial support of the public school system, (b) democratization of the universities, (c) abolition of bureaucratic interference in education; (9) socialization of certain industries[41]; (10) reform of the land system; (11) a program of labor legislation providing for (a) legal recognition of labor unions and of the right to strike, (b) minimum wage law, (c) revision of the factory law, the mining law, and the seamen's law, (d) protective legislation for the building trades, (e) faithful execution of the treaties of the International Labor Conferences; (12) a farm tenancy law providing for (a) establishment of tenant-farmers' rights, and (b) rationalization of tenant-farmers' rents to landlords; (13) a law for the protection of salaried men; (14) abolishment of legal and economic discrimination against women; and (15) social legislation providing for (a) unemployment, sickness, workingmen's compensation for injuries, and old age pensions, (b) improvement in medical and child-birth agencies, and (c) housing.

The Nippon Nominto, or Japanese Farmers' party, which seceded from the Rodo Nominto in July, 1926, adopted a platform proclaiming its faith in parliamentary government and emphasizing the necessity for an adequate agricultural-tenant

ments, and (5) abolition of the 2,000 yen bond for candidates. Cf. *Japan Weekly Chronicle*, Dec. 16, 1926, p. 723; Jan. 20, 1927, p. 57.

[41] In the *Shakai Minshūto Pamphlet* No. 3 it is explained that the ultimate aim of the party is to secure government ownership of mines, forests, and all large industries.

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act.[42] The more radical Nippon Ronoto, or Japanese Labor-Farmer party, while avowing belief in constitutional processes, proposed a list of reforms much like those of the Shakai Minshūto, but went further in a demand for the abolition of military training of students and for the regulation of food prices by the government.[43] Likewise the program of the now defunct Rodo Nominto, while not going into the same detail as that of the Shakai Minshūto, was bolder in demanding the abolition of all discriminations against subject races and the reduction of the army and navy. The statement of principles plainly called for parliamentary rather than direct action. This platform was the original program of the proletarian parties as drafted in March, 1926, when there were prospects of a united party on this basis. Down to its dissolution in 1928, the Rodo Nominto kept the original platform. But it was commonly believed, and was alleged by the government when the party was dissolved, that its published program was only a cover for anti-parliamentary principles.

The parties advocating the principles and policies that we have just described won 4.7 per cent of the popular vote in the general election of 1928.[44] An analysis of this poll will indicate

[42] Tsuyama, "The Present Condition of Nippon Nominto," *Kaiho*, Dec. 1926, p. 15. Cf. *Tokyo Asahi*, Dec. 10, 1926, p. 3; *Japan Weekly Chronicle*, Dec. 16, 1926, p. 723. It should be noted that in popular speech the name Nippon, or Nihon Nominto, was shortened to Nichinoto; Nippon Ronoto, to Nichiroto; and Rodo Nominto, to Ronoto.

[43] *Nippon Rodo Nenkan, 1927*, p. 216.

[44] PROLETARIAN PARTIES IN THE ELECTION OF 1928

Parties	*Popular Vote*	*Candidates*	*Members Returned*
Rodo Nominto	192,580	40	2
Shakai Minshūto	128,880	19	4
Nippon Ronoto	86,795	13	1
Nippon Nominto	46,460	13	0
Kyushu Minkento	23,015	1	1
Minshu Shinto	8,314	1	0
Kwansei Minshūto	5,953	1	0
Total	491,997	88	8

Fusen Dai-ichiji no Sosenkyo Keika, May 15, 1928, p. 41. The last three parties are local proletarian parties. The Kyushu Minkento, or Kyushu Demo-

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the relative popular strength of the right, center, and left groups of the labor movement. Foremost among the proletarian parties as a vote-winner stood the Rodo Nominto, the most radical of all the parties. Indeed the party charged with communism received, in spite of all the governmental abuse, 192,580 votes—the largest support given to any proletarian party. The center of the labor movement, represented by the Nippon Ronoto and the three small local parties, won a total of 124,077 votes. And the right wing of labor, including the Shakai Minshūto and the Nippon Nominto, secured a total of 175,340. The figures indicate how evenly the proletarian camp is divided between the left and right wings. A question arises whether the showing of the radical Rodo Nominto might not have been better had it not suffered so heavily under the oppressive tactics of the government. Accounts of the election show that the Home Office, under the administration of Dr. Suzuki, systematically hounded the left wing of labor. In Kagawa-ken, where Oyama ran on the radical ticket against the finance minister in the Seiyukai cabinet, the radical candidate was constantly harrassed, his headquarters were raided, his canvassers arrested, his political meetings broken up, and his speeches rudely interrupted by the police.[45] The Rodo Nominto candidates were so widely intimidated that the party filed a complaint in the Tokyo local court against Dr. Suzuki.[46] On the other hand, if Bismarck's oppressive law of 1878 actually caused an increase rather than a decrease in the number of German socialists, it may be true that some of the votes cast for the Rodo Nominto can be explained by the psychology of resistance.

If we look for the source of the support of the radical Rodo Nominto, election statistics show that this party drew more heavily from the rural rather than from the urban districts;

cratic Constitutional party, was organized in the second district of Fukuoka-ken. The Minshu Shinto, or Progressive Democratic party, supported a candidate in the second district of Kanagawa-ken, and the Kwansei Minshūto, or Kwansei Democratic party, in the second district of Gifu-ken.

[45] Oyama-Ikuo, "How the Rodo Nominto Fought the Election in the Second District of Kagawa-ken," *Kaizo*, April, 1928, pp. 2–20.

[46] *Tokyo Asahi*, Feb. 16, and 17, 1928, p. 2.

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while the Shakai Minshūto, which depends upon the Rodo Sodomei and the intellectuals, found its support chiefly in urban districts.[47] In spite of the well known conservatism of the farmers, rural districts gave the Rodo Nominto 68,844 votes, and rural-urban districts contributed 82,051. It is true that rural districts gave the right and center parties 81,851 votes. Nevertheless the vote which the Rodo Nominto secured from the rural and semi-rural districts is significant. The principal support of the Rodo Nominto in the rural districts came from the rump of the Nomin Kumiai, or Farmers' Union, then about 60,000 strong. As we have already seen, the most conservative group of the Nomin Kumiai left the party in 1926, reorganized themselves as the Zen Nippon Nomin Kumiai, or All-Japan Farmers' Union, and established the Nippon Nominto, or Japanese Farmers' party. This union claimed a membership of 50,000, a larger number than the votes received by its party in the election. The second secession from the Farmers' Union, led by Sugiyama himself, was organized in 1928, as the Zenkoku Nomin Kumiai, or All-National Farmers' Union. It claimed a membership of 60,000, and its support was thrown to the Nippon Ronoto.

The chief political interest in the rural districts is the question of tenant rights, of which there is great complaint. Tenancy in Japan seems to be on the increase; and both of the major

[47] RURAL AND URBAN VOTE OF THE PROLETARIAN PARTIES

Parties	*Rural Districts*	*Urban Districts*	*Rural-Urban Districts*
Nippon Nominto	28,652		11,565
Shakai Minshūto	14,721	91,901	16,855
Nippon Ronoto	32,526	13,016	37,485
Kyushu Minkento		23,015	
Minshu Shinto			8,315
Kwansei Minshūto	5,952		
Rodo Nominto	68,844	36,152	82,051
Total	150,695	164,084	156,271

The parties in this table are arranged in order of their position from the right to the left. These statistics are compiled from *Fusen Dai-ichiji no Sosenkyo Keika*, May 15, 1928, pp. 50–78.

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parties have been tardy in promoting legislation on the subject.[48] Since the demand for tenant-rights is almost the exclusive political interest of over two million voters, the problem of strategy that confronts the left and right wings of labor is apparently one that depends upon the legislative accomplishments of the major parties. A naturally conservative countryside, if satisfied on this question, would offer small hope to the party of the city-worker.

VI. THE PROLETARIAN "BLOC" IN THE FIFTY-FIFTH SESSION

Diversity of parties is not an insurmountable bar to a strong parliamentary front. The nature of a modern legislature is such as to invite group action even among stubborn independents. Thus a cohesive parliamentary bloc may be formed by the members of quarreling parties. This holds true even in France, Poland, and the Baltic states, where party organizations throughout the country pull the wires that control their puppets on the parliamentary stage. Likewise in Japan, at the opening of the first session of the Diet under the manhood suffrage act, a powerful incentive to union of the proletarian parties was found in the threatened deadlock of the two major parties. In such event, the labor parties would constitute a large element in the group that held the balance of power. Leaders of the Shakai Minshūto wished to make the most of this opportunity, and at least to form a working agreement between the labor parties. There was opposition in both the Shakai Minshūto and the Nippon Ronoto against alliance with the Rodo Nominto unless all traces of communism were expelled; nevertheless a joint committee of the three labor parties represented in the Diet was formed.[49]

[48] TENANCY IN JAPAN

Land Owners and Tenants	*Census of 1912*	*Census of 1925*
Landlords owning over 50 cho (122 acres)	2,932	4,293
Families cultivating their own lands	1,763,840	1,725,034
Families cultivating rented land	1,497,820	1,525,656
Families cultivating both kinds	2,176,391	2,297,909

Naikaku Tokeikyoku: Nippon Teikoku Tokei Nenkan, or Cabinet Bureau for Statistics: Statistical Year Book of the Japanese Empire (1927), p. 79.

[49] *Tokyo Asahi*, Feb. 26, 27, 28, March 2, 3, 6, and 10, 1928, p. 2.

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Two questions of tactics were involved in these negotiations. One concerned the problem of uniting the new parties, either outside or inside of Parliament. The second concerned the problem of parliamentary coöperation with bourgeois parties. The latter problem has always touched upon fundamentals in the history of socialism. Should the new parties vote with the old parties for "reform" measures? A few years before the World War, August Bebel excused the Social Democrats in the German Reichstag who had voted with the government for a grant of universal suffrage to Alsace-Lorraine by exclaiming: "We have not capitulated. The government has come to our convictions!" The Shakai Minshūto leaders hoped to eliminate the embryonic stage of social democracy by immediate participation in the process of law-making. "There are two ways," said Suzuki-Bunji. "The first is to use the legislature merely as a place for the propaganda of our views, and to consider the accomplishment of immediate reforms as secondary; the other aims at immediate reforms, leaving propaganda and the exposure of the corruption of the existing parties as our secondary object. The first method is that of the communists—the method of Lenin and Stalin. The second is the method of Ramsey MacDonald and the British Labor party. It shall be our model."[50]

There was a rule of the House of Representatives that resolutions could be introduced only upon the signature of twenty members. There was also the requirement that only a party or group having twenty-five members could meet with the interparty conference to arrange the agenda of the House. It was necessary to coöperate with the independents and other minor parties if the proletariat expected to be active members of the House. In order to emphasize their identity as a group of parties, the Shakai Minshūto proposed that the proletarian bloc should introduce its own resolution of no-confidence. The other parties rejected this proposal because it required coöperation with the independents and other minor parties; and, thus, reluctantly

[50] "The Parliamentary Front of the Proletarian Members," *Kaizo*, April, 1928, pp. 152–177.

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the Shakai Minshūto agreed to the plan that the bloc should support the Minseito resolution which required no coöperation but simply voting at the proper time for the overthrow of the Tanaka government.[51]

The Shakai Minshūto, some time later, proposed that the proletarian bloc should attempt to secure a conference of all the opposition parties in order to have a hand in the framing of the resolution of censure and to promote a program of "reform" legislation, including a labor union bill, a farm-tenancy bill, and a social insurance bill, together with amendments for enlarging the electorate and suppressing the restrictions on free speech.[52] This scheme, however, was vigorously opposed by the representatives of the Rodo Nominto. In their opinion a vote for the Minseito resolution to overthrow the Tanaka cabinet was as far as the proletariat should go; conference with the old corrupt parties was dangerous business; and it was even intimated that the Shakai Minshūto had improper motives in proposing it. In the end, the Shakai Minshūto succeeded in securing an agreement from the joint committee instructing the parliamentary members to hold a conference, but only upon the question of the procedure for overthrowing the Tanaka cabinet.[53]

The invitations for the all-opposition parliamentary conference were duly sent. It was to consist of six Minseito members, three Kakushinto members, four proletarian members, and all of the independents. Leaders in the Minseito were not greatly impressed; they were soon to commit themselves to an alliance with the small Meiseikai led by Tsurumi. But some of the younger members of the party insisted on attendance, and it was finally decided that the Minseito should be represented informally by a few individuals. The conference met in

[51] *Tokyo Asahi*, March 13, and 24, 1928, p. 2. Cf. *Japan Weekly Chronicle*, March 1928, pp. 346, 378, 379; April 5, 1928, p. 406.

[52] *Tokyo Asahi*, April 5, 1928, p. 2. Cf. *Japan Weekly Chronicle*, April 12, 1928, p. 435.

[53] *Tokyo Asahi*, April 13, and 14, 1928, p. 2; *Osaka Mainichi*, April 14, 1928, p. 1. Cf. *Japan Weekly Chronicle*, April 19, 1928, p. 468.

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the library of the House of Representatives five days before the opening of the 55th session of the Diet.[54] Besides the representatives of the proletarian parties and of the Minseito, there were in attandence only two members of the Kakushinto and only one independent. The conference resulted in no agreement, for the Minseito representatives had no authority to make promises. But there was friendly assent on both sides that similar conferences ought to meet frequently.

In the 55th session of the Diet, the proletarian parties considerably enhanced their prestige. It is true that they played only a small rôle in the balance-of-power group. Tsurumi and his group of eight liberals won the technical advantage of participating jointly with the powerful Minseito. Nevertheless, the proletarian parties impressed their entity upon the legislature and the nation. In the ballot for speaker, they gave their votes for Professor Abe.[55] Treating the House of Representatives as a forum of public opinion, the labor members called the nation's attention to the abuses of the government, the suppression of free speech, the injustice to the workingmen by the failure to legalize labor unions and the collective bargain, the disgrace of ignoring the international labor treaties, and the injustice suffered by tenant-farmers who lack adequate tenant rights. They addressed embarrassing interpellations to the ministers regarding the negligence of the government in not giving adequate police protection to the political meetings of the opposition parties, and regarding the unfair interference of Minister Suzuki.[56] They made able arguments to back their contention that the Tanaka government was conducting an unholy military intervention in Shantung. Bills providing for

[54] For accounts of the conference, see *Tokyo Asahi*, April 18 and 19, 1928, p. 2; *Osaka Mainichi*, April 19, 1928, p. 3. Cf. *Japan Weekly Chronicle*, April 26, 1928, p. 496.

[55] *Kwampo*, April 21, 1928, p. 556. On the second ballot, Mizutani, Yamamoto, Kawakami, and Asahara left the chamber. Cf. *Tokyo Asahi*, April 21, 1928, p. 2.

[56] In particular, the speeches of Nishio-Suyehiro, Kawakami-Jotaro, and Kamei-Kanichiro. *Kwampo gogai*, April 26, 1928, pp. 31–35; May 6, 1928, pp. 97–100. Cf. *Japan Weekly Chronicle*, May, 1928, pp. 541, 573, 615.

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remedial legislation were introduced.[57] They also supported Ozaki's resolution impeaching the government's interference in the election—a resolution which, even before its adoption, caused the resignation of the intransigent home minister.[58] And they supported the Minseito-Meiseikai resolution of censure against the Seiyukai government.[59]

The tactics of the old parties were thoroughly discredited. In devious ways the Seiyukai won over, or bought over, as the opposition claimed, several independents, and even some members of the Minseito. Still the margin was too narrow to permit a test of strength. The session witnessed a scramble between the two major parties to secure the support of the independents, and the Diet was adjourned amidst the almost universal condemnation of both parties by the liberal press.[60]

VII. PARTY CONTROL OF PARLIAMENTARY MEMBERS

Is the proletarian member of the legislature the representative of all the people or merely the spokesman for labor? Legally he is the representative of the people, but practically he may be only the agent of the labor organization which secured his

[57] For instance, Suzuki-Bunji introduced bills regarding health insurance and to amend the manhood suffrage law by lowering the age requirement from twenty-five to twenty, and to reduce the limit of campaign expenses by one-half. *Kwampo gogai*, May 4, 1928, p. 2.

[58] *Kwampo*, April 29, 1928, p. 53; May 5, 1928, pp. 84–85. Cf. *Japan Weekly Chronicle*, May 10, 1928, pp. 570, 575.

[59] *Kwampo gogai*, May 6, 1928, pp. 119–123; May 7, 1928, p. 125. Cf. *Japan Weekly Chronicle*, May 17, 1928, p. 615.

[60] "The Tanaka cabinet, which scandalously besmirched the general election under the universal suffrage law by its irregularities, forfeited its right to meet the extraordinary session of the Diet, and yet the Opposition parties failed to defeat it after all the hubbub. . . . . The Opposition had the majority of the nation on its side and therefore it ought to have proceeded regardless of the attitude of the other parties. Unfortunately it emulated the Government in its indulgence in tricks." *Tokyo Asahi*, May 6, 1928, p. 2. "The meanness of the Government cannot be too strongly condemned. On the other hand, the Minseito cannot escape its share of responsibility for bungling the no-confidence resolution. In an unguarded moment it suffered the motion to be deferred for debate to the last day of the session, misled by the quibbling attitude of the Meiseikai. . . . . The labor parties, on the other hand, deserve praise for the consistent attitude which they held throughout the session." *Osaka Mainichi*, May 7, 1928, p. 2. The quotations are taken from the *Japan Weekly Chronicle*, May 17, 1928, p. 616.

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election. Liberalism of the Edmund Burke school looks upon the representative as the free delegate of his constituency, at liberty to follow his best judgment as to the interests of the people. On the other hand, the growth of parties in all countries has tended to make representatives submissive to party control, whether it be exercised by a parliamentary party, a national organization, or a local committee. The control of the vote of a representative by a labor union or a party controlled by labor unions is a more advanced step—a step perhaps in the direction of guild socialism, or at least functional representation.

In Japan, the labor parties from the outset assumed the right to control their representatives in the Diet. In each party they are strictly under the supervision and control of the central executive committee. In other words, the workingmen, having sent their candidates to the Diet, intend to hold them strictly to the class struggle. Immediately after the general election the executive committees of the parties issued instructions for the conduct of their parliamentary members in the 55th session of the Diet.[61] All of these instructions called for the creation of a proletarian bloc. The Shakai Minshūto, as we have already seen, went further and invited the parties to form a joint committee. The invitation was accepted and the central executive committees adopted the following arrangement for a joint committee: (1) the proletarian parties should coöperate in the Diet and form a *musanto giindan*, or proletarian bloc; (2) the bloc should be controlled by a joint committee composed of three delegates for each party having a member in the Diet, as well as the parliamentary members themselves; (3) decisions of the joint committee were to be taken, not by majority vote, but by deliberation and general agreement; and (4) any proletarian party recognized by the joint committee might send representatives to the committee to express its views.[62]

[61] For the instructions of the Shakai Minshūto, see the *Tokyo Asahi*, April 25, 1928, p. 2; April 26, 1928, p. 1; April 27, 1928, p. 2; March 6, 1928, p. 2. For those of the Rodo Nominto and the Nippon Ronoto, see the *Tokyo Asahi*, March 2 and 3, 1928, p. 2.

[62] *Tokyo Asahi*, March 10, 1928, p. 2.

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Before the 55th session of the Diet opened, the position of the Rodo Nominto on the joint committee was rendered anomalous by the government's arbitrary dissolution of that party. The Nippon Ronoto and Minkento proposed that the committee file a vigorous protest with the home ministry. But the Shakai Minshūto demurred, holding that although the Rodo Nominto deserved sympathy from the standpoint of social democracy, nevertheless the views of the party had been defiant of law. The Shakai Minshūto also questioned the futile relations of the representatives of the defunct party with the joint committee.[63] In the end, the experiment of building up a fighting front by means of a joint committee did not give satisfaction, and the scheme was abandoned before the 56th session of the Diet.[64] The central executive committees still issue instructions to their parliamentary members, who, in turn, maintain the proletarian bloc by means of their own conferences in the Diet.[65] Parliamentary members are treated as agents of the party; and thus the central committees direct the proletarian bloc.

VIII. FEDERATION OF PARTIES

Will the rigid control over parliamentary members by party organs tend to drive liberals away? At present, the answer undoubtedly must be in the affirmative. There are independents in the Diet who will not brook such control. In the meantime, Japan lacks a great liberal party. For years, Ozaki and Count Goto have eloquently proclaimed the need for one, but without success in achieving its formation. Tsurumi has attempted to develop such a party with his small group. But he has made little headway. It is a question whether the Shakai Minshūto, with its emphasis on the class struggle, will be able to fill the

[63] *Tokyo Asahi*, April 12 and 13, 1928, p. 2; *Japan Weekly Chronicle*, April 19, 1928, p. 469.

[64] In December, 1928, the central committee of the Shakai Minshūto voted: "Since the joint parliamentary committee proved defective in the last session of the Diet, and since the proletarian bloc offers sufficient means of coöperation, there is no need for the reëstablishment of the joint committee." *Tokyo Asahi*, Dec. 9, 1928, p. 2.

[65] *Yorozu Choho*, Jan. 23, 1929, p. 1, and *Tokyo Nichi-nichi*, Feb. 8, 1929, p. 2. Cf. Miyoga-Fusakichi, *Nippon Seito no Gensei*, or Contemporary Japanese Parties (Tokyo, 1929), p. 163.

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gap. The leaders, it is true, hope to draw into the party the ever-increasing number of Japanese liberals. It is partly for this reason that such intellectuals as Abe and Yoshino have taken their strong position against the communistic elements in the proletarian parties. Party strategy, if nothing else, dictates this attitude.[66]

The Rodo Nominto has been dissolved, but it is feared that the ex-members, drifting to the other parties, may augment left movements in these parties. Probably no country, not even America, is more obsessed with Bolshephobia than Japan. "Dangerous thoughts" are still anathema. Immediately after the election of 1928 the Tanaka government spread a drag-net over Japan to apprehend all communists. Arrests began at midnight on March 15, complete secrecy was enforced on the newspapers, and it was not until April 10 that news of the raid was allowed to be published. In a statement then given to the press, the minister of justice claimed to have proof that seventeen leaders of the Nippon Rodo Kumiai Hyogikai, or Japanese Council of Trade Unions, had founded the Nippon Kyosanto, or Japanese Communist party, as a branch of the Third International, and that members of the party had gone to Russia to receive the assent of the Moscow office.[67] A gigantic plot existed to make each factory a branch of the party. It had already covered Tokyo, Osaka, and all large cities, as well as most of the provinces. While the party was secret, it boasted control of the Rodo Nominto and its two members in the Diet, as well as the Hyogikai, the Musan Seinen Domei, or Proletarian Young Men's Union, and the Gakusei Shakai Kagaku Renmei, or Students' Social Science Federation.

On April 10, the Tanaka government used its authority under the peace police law to dissolve the alleged subsidiaries of the Communist party. In the dissolution order was included the

[66] In this connection, compare Takahashi-Kamikichi, *Sayoku Undo no Riron-teki Hokai*, or Inevitable Disintegration of the Left Movement (Tokyo, 1928). The author argues that further communist agitation will lead Japan into a reactionary dictatorship of the Fascist type.

[67] *Tokyo Asahi*, April 10, 1928, p. 2.

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Rodo Nominto, although the ministry of justice lacked sufficient evidence to implicate Oyama in a communistic conspiracy. After the ceremony of dissolving the party had occurred in Tokyo, Oyama attempted to take over the old branches for the party under a new name. But the meetings of the preparatory committee were dispersed by the police. Defeated by government vigilance, the leaders of the Rodo Nominto postponed reorganization until the Seiyukai should be in a better humor. But reaction has been on the increase. In June, the Tanaka cabinet secured the assent of the privy council to an emergency imperial ordinance increasing the penalties of the peace preservation act. Agitation for communism has been made punishable with death. In the summer of 1928 the moderates in the defunct party definitely broke with the radicals and succeeded in forming a new party under the name of Musan Taishuto, or Proletarian Peoples' party.[68]

The misfortunes of the left wing continued. In December, after elaborate plans were formed for the resuscitation of the party under a new name and with new branches, the cabinet ordered the dissolution of even the *Shinto Jumbikai*, or preparatory committee.[69] Since that time the radical group has received another set-back. In January, 1929, Mizutani-Chozaburo, who was elected to the Diet on the Rodo Nominto ticket, issued a statement declaring that his former associates were too communistic for him. A few days later, in Kyoto, he formed a new party with a platform denouncing communism and calling for parliamentary coöperation.[70] Finally, the deplorable assassination of Yamamoto has left the dissolved Rodo Nominto without parliamentary representation.[71] The leaders of the

[68] *Tokyo Asahi*, July 15 and 22, 1928, p. 2; *Japan Weekly Chronicle*, July–Aug., 1928, pp. 81, 118, 155.

[69] *Tokyo Asahi*, Dec. 22, 23, and 25, 1928, p. 1. Cf. *Japan Weekly Chronicle*, Jan. 3, 1929, p. 18.

[70] The party has the name Rono Taishuto, or Labor Farmer Peoples' party. Cf. *Tokyo Asahi*, Jan. 9, 1929, p. 3; Jan. 22, 1929, p. 2; Mizutani-Chozaburo, "The Formation of the Rono Taishuto," *Kaizo*, March, 1929, pp. 43–46.

[71] Yamamoto was stabbed to death by a ruffian of the reactionary Seigi-dan, or Association of Justice, on the ground that he had been guilty of a *fukei jiken*,

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defunct Rodo Nominto are now in the position of politicians without a party. At the time of dissolution they had a compact organization of 131 branches with 90,000 members. Whether the dissolution order of the Tanaka cabinet has been able to stamp out this organization, or whether an invisible structure still exists, cannot be confidently stated.[72]

The demoralization of the radical wing of labor has been further increased by the consolidation of nearly all of the center groups into an ambitious party under the name of Nippon Taishuto, or Japanese People's party.[73] This amalgamation includes the extreme right wing—the Nippon Nominto, or Japanese Farmers' party— with the Nippon Ronoto, the Musan Taishuto, and several local parties. The platform of the new party pledges a continuance of the class struggle, but also offers a list of reforms which are to be obtained by legal means. While the latter provision was intended as a negation of communism, the Shakai Minshūto declined the invitation to join forces on the ground that the new party will be a refuge for communists.

Some labor leaders hold that the Nippon Taishuto will prove to be a force antagonistic to the Shakai Minshūto.[74] Others hold that it is a step toward the unification of all proletarian parties.[75] Yoshino, the philosopher-critic of the Shakai Minshūto, maintains that the elements of disunion in the Nippon Taishuto are rife. In a brilliant series of essays he reiterates his

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or *lèse majesté*, at the opening of the 56th session of the Diet. *Jiji Shimpo*, March 6, 1929, p. 1.

[72] The vigor of the organization can be measured by the fact that more than three hundred delegates from all parts of the country attended the meeting of the preparatory committee in Tokyo on Dec. 22–24. *Tokyo Asahi*, Dec. 25, 1928, p. 1.

[73] For an account of the organization and text of the platform, see the *Tokyo Asahi*, Dec. 14, 1928, p. 2; Dec. 18, 1928, p. 3. The local parties include the Kyushu Minshūto (Kyushu Democratic party), and Kyushu Minkento (Kyushu Peoples' Constitutional party).

[74] Oyama-Ikuo, "A Bubble on the Fighting Front," and Akamatsu-Katsumaro, "A Proletarian Party Formed by a Casual Meeting of Leading Spirits," *Chuo Koron*, Feb., 1929, pp. 33–41.

[75] Aso-Hisashi, "The Basis for Unification of the Proletarian Parties," *ibid.*, Oct., 1928, pp. 75–79.

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theme that the united fighting front of the parties should start in the Diet and not in an artificial super-organization outside of Parliament.[76] Among the many obstacles in the way of an organization of all the parties he sees the following: (1) the leaders lack training in coöperation, a trait characteristic of most Japanese politicians, (2) the parties are too much concerned with doctrine, (3) attempts by a central organization to control the opinions of the various component elements is doomed to failure, at least in the near future, finally, (4) the spirit of communism, particularly the reliance upon unparliamentary methods, will demand attention in any unification of parties and lead to friction and inefficiency. In other words, Yoshino holds that the future of the proletarian parties lies in the ability of the leaders to use the existing parties in the maintenance of the proletarian bloc in the Diet.

The proletarian parties are not limiting their activities to the national Diet. Local government offers a wide field for expansion. In the prefectural elections in October, 1927, the labor parties won 28 seats in a total of 1,485. This beginning was about equal to the proletarian accomplishment in the general election. A better showing was made in the recent election of the Tokyo council following its dissolution because of financial scandals. In this election the Shakai Minshūto captured five seats and the Nippon Taishuto one seat, out of a total of eighty-four.[77]

Despite the recent embarrassment caused by the communists, the fundamental problem confronting the new parties appears to involve the difference between labor unions and labor parties. The former movement aims to organize the workingman for the purpose of the collective bargain. The latter aims to secure an adequate voice for the proletariat in the legislative halls of the nation. Both movements are phases of the class struggle,

[76] Compare his "Observations on Contemporary Politics," *ibid.*, Feb., 1929, pp. 57–90, and "The Unification of the Proletarian Parties," *ibid.*, Oct., 1928, pp. 49–53.

[77] Sakai-Toshihiko, on the Nippon Taishuto ticket, won the highest vote of all candidates. *Nichi Bei* (San Francisco), March 19, 1929, p. 1.

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but distinct phases. The present trend in the labor union movement has been, not toward an all-Japan federation, but rather in the direction of federations of the right and left. Hence, until a greater degree of unity appears in the economic organization of labor, political cohesion cannot be assured. The question of political unity is further complicated by the inevitable rivalry between the city worker and the farmer. The proletariat, desiring cheap rice, distrusts the farmer—whether land-owner or tenant—whose economic interest demands a high price for food products. Perhaps, for this reason, any union between the agrarian and labor movements will always tend to be unstable. The labor and farmer leaders have made slow progress in building up the meagre organizations that now exist. It would be an unusual phenomenon if in the near future political unity should be achieved among the various proletarian groups. Meanwhile, however, the labor parties are moving forward in their separate channels.

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Second Session of the Seventieth Congress (December 3, 1928, to March 4, 1929).[1] "I have stated universally to various callers," wrote the President-elect to the President on January 28, 1929, "that it would be improper for me to express any views on current matters of the administration." It is aside from the point to question the complete consistency of Mr. Hoover's added remark (the subject being the cruiser construction bill): "As you know, I warmly support your own views, and you may so inform others if you wish to do so." The truth is that the President-elect would have set the tone of the short session if he had merely failed to state that there would be no special session. As soon as his willingness to call Congress back in April was known,[2] most of the steam escaped and pressures in connection with farm relief which might have involved the whole program were forestalled. Under these relaxing circumstances, the cynosure of the session came to be the ironical juxtaposition of the left-over cruiser bill and the multilateral peace treaty in the Senate. Meanwhile the momentum of the inherently decentralized congressional system carried it past the dead-points of the interregnum and produced interesting, and even noteworthy, bits of domestic legislation.

Membership. In the House, the replacements incidental to deaths and resignations had involved no party shifts. When the session opened, the Republicans numbered 235; the Democrats, 193; Farmer

[1] For a note on the first session, see this *Review*, vol. 22, pp. 650–683 (August, 1928). For notes on the 69th Congress, see vol. 20, p. 604, and vol. 21, p. 297. For earlier notes, prepared by Lindsay Rogers, see vol. 13, p. 251; 14, pp. 74, 659; 15, p. 366; 16, p. 41; 18, p. 79; 19, p. 761.

[2] The House committee on ways and means, having organized in subcommittees on December 6, held hearings on general tariff revision between January 7 and February 25. This committee and the committees on agriculture of both houses were authorized to act between sessions. Hearings on farm relief began in the Senate on March 25 and in the House on March 27. The Senate meanwhile had met in a brief special session on March 5 to receive and confirm cabinet appointments. It referred the question of the status of Secretary Mellon (whose name President Hoover did not deem it necessary to submit) to its committee on judiciary.

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Labor members, 2; Socialists, 1—not counting four vacancies.[3] In the Senate the Republicans had edged still further away from the perilously close division of forces which they had faced at the outset of the Congress. With Otis F. Glenn in the Illinois seat denied to Smith, and with Burton of Ohio in place of Locher, they counted 49 members, even without Vare, against 45 Democrats and the single Farmer Laborite. They could look forward to turning room in the 71st Congress, with the prospect of 55 Republicans (56, if Vare is seated), 39 Democrats, and one Farmer Labor member.

The case of William S. Vare dragged through the session, culminating in a report of nearly one hundred pages on February 22, 1929, from the Special Committee Investigating Expenditures (Senate Report No. 1858). This document recounts the obstacles met by the committee, including the recurrent illness of Mr. Vare himself. Stricken with acute indigestion in May, when his appearance before the committee was postponed, he attended the Kansas City convention against the advice of his physician, and on November 28 wrote to the committee (again from Atlantic City): "The trip, instead of helping me, as I had hoped, injuriously affected my health until, on August 1, I suffered a stroke, paralyzing my left side, leg, and arm."[4] The report concludes: "From the foregoing facts and conclusions, including those previously reported, it is the opinion of the committee that William S. Vare is not entitled to a seat in the United States Senate." On February 26, Senator Norris announced that he would not press for action in the 70th Congress on the resolution of exclusion. Instead, a resolution (S. Res. 341) was adopted extending the life and powers of the special investigating committee, on which Robinson of Arkansas has succeeded Reed of Missouri as chairman. Delay thus brings the question of seating Vare before a Senate in which the Republicans have a more comfortable majority.[5]

[3] As a result of the 1928 elections, the new division of the House for the 71st Congress was: Republicans, 268; Democrats, 166; Farmer Labor, 1.

[4] In its final report the committee says: "The examination of Dr. Kirby developed the fact that, within a few days after the postponement secured on May 18, 1928, and from that time until the first day of August, 1928, the said William S. Vare was able to have consulted with attorneys, to have appeared before the committee, and to have made such presentation of his case as was necessary" (S. Report No. 1858, p. 14).

[5] Meanwhile the sub-committee (headed by Senator Waterman of Colorado) of the regular committee on privileges and elections has investigated the contest between Vare and William B. Wilson, the Democratic candidate in the

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In the House, victory perched on the Philadelphia standard when, on January 8, the favorable majority report of the elections committee (H. Report. No. 975) on the seating of James M. Beck was accepted, after some debate involving the construction of the phrase, "inhabitant of that state in which he shall be chosen." Two of the three Democratic members of the committee tendered a minority report. Of the 247 who supported Mr. Beck's claim to a seat on January 8, 68 were Democrats; 78 only (70 Democrats, 7 Republicans, and one Farmer Labor) were opposed.

Organization. The party instrumentalities erected in the first session were modified only slightly.[6] The death on November 19, 1928, of the former Democratic whip, William A. Oldfield, led to the choice in his place of John C. Box of Texas, a member of the House since 1918.

Procedure. In yielding the gavel on March 4, the former Vice-President referred to the "collective error" of the Senate: "Alone of all the deliberative bodies of the world, the Senate of the United States, under its rules, has parted with the power to allot its time to the consideration

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1926 senatorial election, thus far without result. On the legal side, involving the Senate's power, interest attaches to the case of Barry, Sergeant-at-Arms, et al., v. United States, ex rel. Cunningham, argued in the Supreme Court on April 23, 1929 (No. 647). Expenditures in the New Jersey Republican senatorial primary of 1928 were investigated by the special committee (acting through a sub-committee headed by Senator McNary), which on February 22 (S. Report 1861) said: "There was no evidence of any character produced which would indicate that any of the candidates for United States senator expended more than the statutory allowance."

[6] The preliminary caucuses to organize the 71st Congress were held before the adjournment. On March 2, the Republican caucus in the House renominated Speaker Longworth and reëlected John Q. Tilson as floor leader. The Republican committee on committees (consisting of members chosen by the Republican state delegations) organized on March 5, 1929, and, among other acts, chose the steering committee and determined the Republican assignments to ways and means (giving a vacancy to J. A. Frear, of Wisconsin, a LaFollette supporter, who was formerly on the committee), to agriculture, and to rules. At the Democratic caucus on March 1, John N. Garner of Texas (ranking minority member on ways and means, who has been in the House for thirteen continuous terms, being exceeded on his side in length of service only by Pou of North Carolina) was named floor leader in place of Finis J. Garrett, who was defeated for the Senate in Tennessee in 1928. In the Senate, the Republican caucus on March 5, 1929, chose Watson of Indiana as leader, Jones of Washington as assistant leader (so-called), and Fess of Ohio as whip. The Democratic caucus on the same day made no notable change, except that Sheppard of Texas replaced Gerry of Rhode Island, defeated for reëlection in 1928, as whip.

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of the subjects before it in accordance with their relative importance. This defect in procedure is fundamental. I take back nothing." Congestion there was, in the manner of all short sessions, but no single spectacular filibuster existed to sharpen Mr. Dawes' point as was the case at the close of the preceding Congress.

A single cloture motion was filed but not brought to a vote. On March 1, in connection with the bill to prolong the full powers of the Radio Commission (H. R. 15430, below p. 377), Senator Watson brought out a petition signed by seventeen members. "I am presenting it," he said, "with the distinct understanding that if a majority of the Senate which I know favors this bill will stay with me on the proposition, we will exhaust the Senator from New York personally, if need be, and if that cannot be done, then we will apply the cloture rule." Whether exhausted or not, Dr. Copeland did not drive the Senate to seek relief in surgery.

The Senate steering committee (more properly, the committee on order of business of the Republican conference) functioned in its routine way in receiving applications from individual senators regarding bills already on the calendar and in publishing lists of recommended measures from time to time, with notice that the committee "suggests that the following bills be made the unfinished business of the Senate, in the order listed, after the disposal of the present unfinished business." How modest was its rôle, even as moderator, can be judged from the fact that the four circular letters issued for it by Senator Sackett of Kentucky on December 14, January 25, February 19, and February 28, specified ten bills; and of these, six became law, one was defeated by the Senate, and three did not reach a vote there.[7]

Procedure in the House followed its usual course.[8] Fifteen special rules for the consideration of bills were reported and adopted.[9] These

[7] The items which became law were as follows: H. R. 11526, cruiser construction; S. 2901, prohibition penalties; S. J. Res. 117, Nicaraguan Canal survey; H. R. 8298, produce market in District of Columbia; S. 4937, continuing powers of Radio Commission; and H. R. 13929, enlarging the Capitol grounds. S. 1093, to prevent the sale of cotton and grain in future markets, was defeated in the Senate on February 14. The recommended bills which were not voted on were: H. R. 11725, for reapportionment; H. R. 393, for taking the census; and S. J. Res. 208, to authorize a street-railway merger in the District of Columbia.

[8] The "discharge rule" was not operated. In the lifetime of the 70th Congress two petitions for entry upon the calendar of "motions to instruct committees" were filed but did not receive sufficient signatures.

[9] The matters given consideration under special rules were the Greek debt, the Austrian loan, four bills for additional judges, reapportionment, increased

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covered much of the important legislation of the session, apart from privileged appropriation bills and measures already sent to the Senate. Dependence on the device, having grown relatively in recent years, shows no sign of lessening.

So far as concerns changes in the rules themselves, it is of interest from the standpoint of the technique of law-making to note the change of House Rule XIII on January 28 (H. Res. 278) by the addition of a requirement that bills be printed in ways (purposefully left flexible) which will show comparatively the matter proposed to be repealed or amended. Unfortunately, this excellent step to universalize what has been the practice of some committees does not entail recognition of the new United States code in all permanent legislation. In the Senate it was proposed (S. Res. 309) that the rules should be changed to provide for the consideration of nominations in open session unless otherwise ordered by a two-thirds vote in particular cases.[10] This suggestion was debated (especially on January 30 and February 2), but did not reach a vote.

Recalcitration and reapportionment. The threat of filibustering led to the collapse in the Senate of the attempt to pass the measure for automatic reapportionment of the House on the basis of its present size, following the 1930 and subsequent censuses. Having been recommitted in the first session, the bill (H. R. 11725) passed the House on January 11 with the aid of a special rule. The alignment was understandable. Seven of the eight members of the committee who signed an adverse minority report came from states that faced a reduction of representation. The final test was on the motion to recommit, which failed by a vote of 134 (41 Republicans, 93 Democrats) to 227 (159 Republicans, 65 Democrats, 2 Farmer Labor, 1 Socialist). The seventeen states[11] likely to incur losses cast 100 votes for the motion to

aid for vocational education, migratory bird refuges, storm relief in the Southeast, four bills regarding aliens (including the postponement of the national origins clause, which failed to pass the Senate), the prolongation of the powers of the Radio Commission, load lines for vessels, civil service retirement (a bill later killed by pocket veto), educational war-orders, prohibition penalties, and the Nicaraguan Canal survey. In addition, two special rules for consideration, though reported, were not brought to a vote.

[10] In the second session of the 70th Congress the Senate received 4,209 nominations from the President and confirmed 4,043. None were rejected, but 12 were withdrawn and 154 remained unconfirmed at the end of the session.

[11] The seventeen states and their prospective losses are: Ala., 1; Ind., 2; Iowa, 2; Kan., 1; Ky., 2; La., 1; Me., 1; Mass., 1; Miss., 2; Mo., 4; Nebr., 1; N. Y., 2; N. D., 1; Pa., 1; Tenn., 1; Vt., 1; Va., 1.

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recommit; 81 against it. The eleven states[12] likely to gain gave only 6 votes to the motion and 88 against it. In the upper chamber Senator Vandenberg of Michigan secured a favorable committee report almost immediately, prevailed on the steering committee to list the bill as a preferred measure, and on January 24 won his motion to take it up on the floor by 53 to 24; but in the end he failed. Basing his attack immediately on the proposed use of the system of computation by "major fractions,"[13] instead of the rival method of "equal proportions," Senator Black of Alabama exclaimed on February 25: "I will not vote for a measure which is destined in the long run to change prematurely the great balance of legislative power in this nation from the rural districts into the great metropolitan areas." Mr. Vandenberg threw up his hands. "Mr. President," he said, "the last thing in the world I would be willing to do would be to take the responsibility upon myself for needlessly defeating these great supply bills. . . . . But apparently the Senator from Mississippi (Mr. Harrison) and those who agree with him in their opposition to constitutional reapportionment are quite willing to take the responsibility. . . . ." In complaining of the rules of the Senate, Mr. Vandenberg did well to emphasize the scheme of alternating short sessions: "There is something wrong with such rules, and there is particularly something wrong with these short sessions which permit such a checkmate upon government functions."[14]

Peace and War. Having disposed of the Boulder Canyon project bill, which was the unfinished business at the opening of the session, the Senate turned after the Christmas recess to the cruiser bill[15] and

[12] The estimated gains would be: Ariz., 1; Cal., 6; Conn., 1; Fla., 1; Mich., 4; N. J., 2; N. C., 1; Ohio, 3; Tex., 2; Okla., 1; Wash., 1. Twenty states would not be affected.

[13] Senator Vandenberg wrote on March 2, 1929: "Reapportionment has again been defeated in the Senate . . . . . The handiest 'excuse' was the academic quarrel over a mathematical method for handling remainders. Thus the tail has again wagged the dog. Based on the 1920 census, the difference between 'major fractions' and 'equal proportions' involves just three seats out of 435" . . . . . (Appendix to the *Record* of March 2).

[14] Senator Vandenberg added that, in recommitting the bill by agreement, he did so with the "promise that reapportionment will reappear in the next Congress in the special session and stay before the bar of the United States Senate until it is acted upon." Early action will be necessary, at least on the bill to provide for the fifteenth census. H. R. 393, for this purpose, passed the House on May 21, 1928, but sank with reapportionment in the Senate.

[15] H. R. 11526, passed by the House on March 17, 1928, by a vote of 287 to 58, after the Administration's naval construction program had been trimmed in committee from one of $725,000,000 to about $274,000,000.

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the peace treaty.[16] The very fact that many persons deemed them inconsistent made it natural to couple them in the practical process of legislative compromise. On December 20 both were made unfinished business for January 3, but when that time came the treaty was allowed to go ahead. Reed of Missouri was especially vigorous in asserting his doubts. Pressed by him and others, the committee on foreign affairs made a partial concession to the spirit of reservation by filing a brief explanation of the treaty, concluding with the statement: "This report is made solely for the purpose of putting upon record what your committee understands to be the true interpretation of the treaty and not in any sense with the design of modifying or changing the treaty in any way or effectuating a reservation or reservations to the same."[17] On January 15 the pact was ratified by a vote of 85 (43 Republicans, 41 Democrats, 1 Farmer Labor) to one.[18] Two days later it was signed by the President.[19]

Action on the cruiser bill was sought immediately after the disposal of the peace treaty. Senator Hale, chairman of the committee on naval affairs, developed little driving force. He became almost plaintive on January 24: "I have been trying to get action on the bill almost every day that the Senate has been in session. Hitherto I have not been successful." Considerable repetitious debate took place before the bill was passed on February 5 by a vote of 68 (34 Republicans, 34 Democrats) to 12 (7 Republicans, 4 Democrats, 1 Farmer Labor). Partisanship on party lines was not evident either in the final roll call

[16] The Kellogg (or Paris) Pact, so-called, was tendered to the Senate in a special message on December 4. Secretary Kellogg appeared before the committee on foreign affairs on December 7 and 11; a transcript of his comment was made public on December 28. The vote in the committee was: for the treaty, 14 (7 Republicans, 6 Democrats, 1 Farmer Labor); opposed, 2 (Reed and Bayard, both Democrats); not voting, 2 (Moses and McLean). The treaty was favorably reported on December 19 without explanation. The report was accompanied (with implied disapproval) by a proposed resolution of reservation in four parts, suggested by Moses.

[17] Executive Report No. 1, read just before the final vote was taken and printed in the *Record* of January 15.

[18] Blaine of Wisconsin, Republican, who had lost in a *viva voce* vote in his attempt to attach a proviso (in which he had in mind some British official statements) that ratification by the United States did not imply the admission of implications contained in diplomatic notes circulated regarding the treaty.

[19] In all, thirty-two treaties were approved by the Senate in the second session of the 70th Congress—the highest number (it was said) in any session since 1914. They are listed in the *United States Daily* of March 6, 1929.

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or in the treatment of proposed amendments. One of these concerned the requirement that five cruisers must be laid down each year for three years. In his message the President had said: "The bill before the Senate, with the elimination of the time clause, should be passed." When an attempt was made unsuccessfully on February 4 to strike out the time clause, the motion was offered by Senator Harrison of Mississippi, Democrat; it was supported by 16 Republicans, 11 Democrats, and one Farmer Labor member, whereas 28 Democrats and 26 Republicans stood for the time limit. Senator Norris' proposal to cut the number of authorized cruisers from fifteen to nine lost by a vote of 12 (7 Republicans, 4 Democrats, 1 Farmer Labor) to 69 (32 Republicans, 37 Democrats). Another Norris proposal to request that the President seek an agreement with Great Britain regarding cruiser construction received nine votes (6 Republicans, 2 Democrats, 1 Farmer Labor) to 70. The phrases in the final act (below, p. 374) in which Congress expresses its hope for a treaty regulating the laws of war at sea were embodied in the substitute brought forward by Reed of Missouri for Borah's proposed amendment; it was adopted by a vote of 81 to one.[20]

Echoes of the criticism of Latin American policy, especially in Nicaragua, were heard in connection with the naval appropriation bill (H. R. 16714), although the bill itself later passed the Senate without a roll call. On February 22, while in the committee of the whole, the Senate adopted an amendment offered by Dill of Washington, Democrat, stipulating that none of the funds should be used "to maintain marines in Nicaragua or to transport marines to and from Nicaragua, except in cases of emergency arising hereafter endangering life or property, or both, of American citizens." The division on this occasion was 38 (10 Republicans, 28 Democrats) to 30 (24 Republicans, 6 Democrats). When the bill came before the Senate on the following day, however, the conservatives rallied and struck out the proviso by a vote of 48 (34 Republicans, 14 Democrats) to 32 (8 Republicans, 24 Democrats).

Reverberations from the Caribbean were heard also in the consideration of Senator Edge's proposal for a survey of the need for and possibility of enlarged interoceanic canal facilities.[21] "The truth of

[20] Space forbids comment on the interesting, if irregular, attempt of Mr. Britten, chairman of the House committee on naval affairs, to enter into direct communication with the British prime minister regarding a joint meeting of his committee and a select committee of the House of Commons.

[21] S. J. Res. 117, approved March 2, Public Resolution No. 99, authorized $150,000 to enable the War Department to investigate the practicability and

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the matter," charged Senator Dill on February 23, "is that the real purpose back of all this is to give an excuse for keeping the marines in Nicaragua." The joint resolution itself passed the Senate without a record vote. When, however, the second deficiency bill (carrying an appropriation for the survey) came before the Senate, Mr. Dill and his associates managed to prolong a night session into the early morning of February 28, only to lose later in the day by a vote of 54 (29 Republicans, 25 Democrats) to 19 (11 Republicans, 8 Democrats).

The Legislative Product. The session enacted 729 public and private laws and resqlutions. These, added to the output of 993 in the first session, brought the total of the 70th Congress to 1,722,[22] compared with 1,423, 996, 931, 594, and 508 in preceding Congresses, from the 69th to the 65th, respectively.

Enactments of general interest include the following:

(1) The authorization of a high dam and related developments in the lower Colorado River was one of the earliest and most notable achievements of the session. The measure (H. R. 5773, approved December 21, Public No. 642) bears the short title "Boulder Canyon Project Act," but the choice between Boulder Canyon and Black Canyon (sometimes called the Lower Boulder Canyon site, and preferred by the special board of engineers and geologists which reported on December 3, 1928) is left to the Secretary of the Interior. The delegation of wide discretion to this official characterizes the act at every point. Two major undertakings are authorized: on the one hand, "a dam and incidental works in the main stream of the Colorado River at Black Canyon or Boulder Canyon adequate to create a storage reservoir of a capacity of not less than twenty million acre-feet of water;" on the other hand, "a main canal . . . . located entirely within the United States connecting the Laguna Dam, or other suitable diversion dam . . . . with the Imperial and Coachella Valleys." The adoption of the final provisions was marked by a number of compromises. When the session opened, Senator Johnson's bill (S. 728) was

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cost "of constructing and maintaining (1) . . . . additional locks and other facilities at the Panama Canal . . . . and (2) any other route for a ship canal between the Atlantic and Pacific Oceans." The investigation of the possibility of a canal across Nicaragua is specifically mentioned. This measure passed the House on March 1 by a vote of 185 to 56.

[22] Of these, 577 were private. Nine omnibus pension bills were enacted, incorporating 7,620 private bills.

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the unfinished business of the Senate. The slightly different Swing bill[23] was first substituted for S. 728 and then immediately amended by inserting the provisions of the Senate bill. An important compromise was struck by the adoption of an amendment providing for the division of the 7,500,000 acre-feet annually apportioned to the lower basin states by the Colorado River Compact; among other stipulations on this point, it is provided that Arizona shall be entitled to the exclusive use of 2,800,000 acre-feet and Nevada to 300,000, leaving 4,400,000 to California. The amendment was carried by a vote of 48 (13 Republicans, 35 Democrats) to 29 (25 Republicans, 3 Democrats, 1 Farmer Labor). Arizona failed, however, in the attempt to require that the Colorado River Compact[24] (approval of which is made a prerequisite of the operation of the whole act) must be ratified by all seven states. An amendment to this effect lost by a vote of 17 (1 Republican, 16 Democrats) to 53 (34 Republicans, 19 Democrats). In the act as adopted, the ratification of the Compact is made an absolute condition-antecedent, but (if the approval of seven states is not secured within six months) six states are sufficient.

From the standpoint of the issue of government operation, the act is a compromise. It states that "the title to said dam, reservoir, plant, and incidental works shall forever remain in the United States, and the United States shall, until otherwise provided by Congress, control, manage, and operate the same;" but it adds that "the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any government-built plant, with a right to generate electrical energy, or alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy." This provision fell short of what Senator Johnson desired. On the other hand, Senator Reed of Pennsylvania failed in an attempt to insert a proviso declaring it to be "the policy of this act that the construction of any plant for the generation of electrical energy shall be undertaken by the United States only in the event that satisfactory contracts for the construction and operation of such a plant or plants cannot be made with states or governmental subdivisions of states or with private persons or corporations." The revealing roll call in which this proposal was rejected stood 24 (17 Republicans, 7 Democrats) to 53 (23 Republicans, 29

[23] H. R. 5773, which had passed the House on May 25, 1928, by a vote of 219 (105 Republicans, 111 Democrats, 2 Farmer Labor, 1 Socialist) to 137 (91 Republicans, 46 Democrats).

[24] Provisionally signed November 24, 1922.

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Democrats, 1 Farmer Labor). The friends of direct governmental operation of power facilities can find comfort in the stipulation in the act "that preference to applicants for the use of water and appurtenant works and privileges necessary for the generation and distribution of hydro-electric energy, or for delivery at the switchboard of a hydro-electric plant, shall be given, first, to a state for the generation or purchase of electric energy for use in the state, and the states of Arizona, California, and Nevada shall be given equal opportunity as such applicants." On the financial side, appropriations not to exceed $165,000,000 are authorized for construction, to be amortized in fifty years. Before proceeding with the construction of the dam, the Secretary of the Interior is directed to make provision for revenues by contract which will provide for the expenses of operation and for the fixed charges. Arizona and Nevada are each promised 18¾ per cent of any excess revenue. In these balanced terms, the Boulder Canyon Project Act passed the Senate on December 14 by 65 (32 Republicans, 32 Democrats, 1 Farmer Labor) to 11 (7 Republicans, 4 Democrats). On December 18 the House accepted the Senate draft by a vote of 166 (79 Republicans, 85 Democrats, 1 Farmer Labor, 1 Socialist) to 122 (79 Republicans, 43 Democrats). For the present, the letting of contracts waits upon the ratification of the Colorado River Compact. Appropriations by Congress, furthermore, will be necessary before actual construction is begun.

(2) The naval construction (cruiser) act (H. R. 11526, approved February 13, Public No. 726, above p. 370) has already been discussed from the procedural side, but for convenience its final terms are restated here. It authorizes the President "to undertake prior to July 1, 1931, the construction of fifteen light cruisers and one air-craft carrier." The cruisers must be laid down at the rate of five each year; the limit of cost is $17,000,000 each. The aircraft carrier is to be begun before June 30, 1930; the cost is not to exceed $19,000,000. Each alternate cruiser is to be constructed and equipped in the government yards and factories. A proviso is attached declaring that their construction "shall be subject to the limitations prescribed by the treaty limiting naval armament, ratified August 17, 1923, so long as such treaty shall remain effective;" and adding that "in the event of an international agreement, which the President is requested to encourage, for the further limitation of naval armament, to which the United States is signatory, the President is hereby authorized and empowered to suspend in whole or in part any of the naval construction authorized under

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this act." Furthermore, it is said: "First, that the Congress favors a treaty, or treaties, with all the principal maritime nations regulating the conduct of belligerents and neutrals in war at sea, including the inviolability of private property thereon. Second, that such treaties be negotiated, if practically possible, prior to the meeting of the conference on the limitation of armaments in 1931."

(3) Constitutionally, as well as from the standpoint of labor legislation, there is interest in the enactment, after two decades of agitation,[25] of the Cooper-Hawes convict labor bill (H. R. 7729, approved January 19, Public No. 669, but not effective until five years after its approval). This brief measure provides: "that all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners . . . . transported into any state or territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery . . . . be subject to the operation and effect of the laws of such state or territory to the same extent and in the same manner as though . . . . manufactured, produced, or mined in such state or territory. . . . ."

(4) Two measures affecting national penal institutions deserve notice. One of these (H. R. 13645, approved January 19, Public No. 672) authorizes the establishment of two narcotic farms (to be under the direction of the Public Health Service) "for the confinement and treatment of persons who have been or shall be convicted of offenses against the United States . . . . and who are addicted to the use of habit-forming narcotic drugs, and for the confinement and treatment of addicts who voluntarily submit themselves for treatment." The relative importance of this measure is indicated by the fact that, of 6,949 inmates at Leavenworth, Atlanta, and McNeil's Island in 1925,

[25] The measure passed the House in the first session, May 15, 1928, by a vote of 303 to 39 (22 Republicans, 17 Democrats), amended to delay its operation three instead of two years. In the Senate, however, "for the fourth time since 1908" (protested Senator Hawes on May 17) its passage was "defeated by just a few men." In the second session, Senator Goff's motion to direct the committee on judiciary to inquire into its constitutionality was defeated on December 19, by a vote of 13 (10 Republicans, 3 Democrats) to 62; and (amended to stretch the postponement of its operation to 5 years) it was passed on the same day by 65 (29 Republicans, 35 Democrats, 1 Farmer Labor) to 11 (8 Republicans, 3 Democrats). State legislation in point is digested in the *Monthly Labor Review*, March, 1929, vol. 28, pp. 126–137. About a dozen states now have important restrictive legislation which will be released fully when the national act takes effect.

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2,533 had been convicted under the Harrison Narcotic Act, and of those at the first two institutions, 1,304 were drug addicts.[26] A related act (H. R. 11285, approved February 26, Public No. 822) authorizes the Attorney-General to establish and operate prison camps, upon sites selected by himself and the Secretaries of Agriculture and the Interior, to which federal prisoners may be transferred "for employment upon road or trail building, the cost of which is borne exclusively by the United States."

(5) The Migratory Bird Conservation Act (S. 1271, approved February 18, Public No. 770) contemplates a system of inviolate sanctuaries for migratory birds covered by the treaty with Canada. The recommendations of the Secretary of Agriculture regarding their location and the acquisition of property (which always requires the consent of the state) are subject to a Migratory Bird Conservation Commission, comprising the Secretaries of Agriculture, Commerce, and Interior, two members of each house, and, *ex officio*, the chief game official of any state in which a sanctuary is proposed. The act authorizes appropriations which step up from $75,000 for 1930 to $1,000,000 for 1933 and for six years following, falling to $200,000 annually after 1940.[27]

(6) Federal aid in vocational education is enlarged by the authorization (S. 1731, approved February 5, Public No. 702) of an additional sum beginning at $500,000 for the next fiscal year and mounting to $2,500,000 annually, half of which will be allotted on the basis of farm population and half on the basis of rural population.

(7) The aftermath of hurricanes and floods was recognized in several acts. For Virginia, the Carolinas, Georgia, Florida, and Alabama, $6,000,000 was authorized as loans to farmers and fruit growers (S. J. Res. 182, approved February 25, Public Resolution No. 92). For the four lower Mississippi Valley states, $3,654,000 was appropriated to restore roads and bridges, with the proviso that these states make like sums available (item in the War Department appropriation act, H. R.

[26] Albert Langeluttig, *The Department of Justice of the United States* (1927), p. 195.

[27] The final votes in the Senate on April 18, 1928, and in the House on February 9, 1929, were unanimous. Two outstanding bones of contention had been dropped: (1) the proposal of a federal license for hunting migratory birds, as a means of financing the scheme; (2) the proposal to allow limited hunting in the refuges, in the discretion of the Department of Agriculture. On March 19, 1929, the Biological Survey indicated that sanctuaries were needed in at least 125 concentration areas.

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15712, approved February 28, Public No. 843, following a precedent made last year in behalf of the New England states and Kentucky). For Porto Rico, $8,150,000 was authorized for loans to agriculturists and for the repair of schools and roads (H. J. Res. 352, approved December 21, Public Resolution No. 74).

(8) Load lines for merchant vessels over 250 tons (except those in the Great Lakes) are to be established by regulations of the Secretary of Commerce under a statute (S. 1781, approved March 2, Public No. 934) which frees the United States from the embarrassment of being the only important maritime nation without such restrictions.

(9) For a second time the Radio Commission, instead of lapsing into the appellate rôle contemplated by the act of 1927, was continued with full powers, until December 31, 1929 (H. R. 15430, approved March 4, Public No. 1029, above p. 367). This legislation recognizes the crucial litigation now rapidly accumulating by making further provision for a legal staff.[28]

(10) In fields of law touching the alien, there was considerable legislative activity,[29] but only measures of secondary importance passed both houses. Naturalization procedure is amended (H. R. 349, approved March 2, Public No. 962) by providing in part (as a method of relief from technical obstacles) that aliens admitted prior to June 3, 1921, and in residence since, who are of good moral character and not subject to deportation, " shall be deemed to have been lawfully admitted to the United States." Another minor change remedies technically erroneous renunciations of allegiance (H. R. 16440, approved March 4,

[28] Speaking on February 19, 1929, Senator Dill said: "Some of the cases now pending in the District Court of Appeals go to the very heart of the law. The most important probably is the case of the General Electric Company of Schenectady, station WGY . . . . ." (Nos. 4870, 4871, 4880.)

[29] A phase of lively interest was the attempt again to suspend or repeal the national origins clause of the act of 1924. The House was willing. Meeting in an unwonted Sunday session on March 3, a resolution for postponement (H. J. Res. 402) was passed by a vote of 191 (144 Republicans, 45 Democrats, 2 Farmer Labor) to 152. In the Senate, however, the attempt encountered the stubborn defense of Senator Reed of Pennsylvania, the outstanding proponent of national origins in Congress. Having convened on March 3, the Senate almost immediately adopted a pious motion to adjourn, by a vote of 39 to 36, and the opportunity to suspend the national origins clause was lost so far as the short session was concerned. On March 22 President Hoover reluctantly proclaimed the new quotas, effective July 1 unless action is taken by the special session. A proposal (S. 1437) to apply the quota system to Mexico was favorably reported in the Senate on December 14.

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Public No. 1011). Deportation procedure is altered at several points, generally in the direction of stringency, although not to the lengths proposed in the House bill (S. 5094, amended by borrowing provisions from H. R. 10078, approved March 4, Public No. 1018).

(11) Greece's indebtness to the United States is settled in what is almost the last of the long series of debt-funding measures (H. R. 10760, approved February 14, Public No. 747).[30] In addition to funding what has been advanced by the United States (set down at $18,127,922 including interest), a new loan of $12,167,000 at four per cent is authorized "to assist in the completion of the work of the Greek Refuge Settlement Commission." Somewhat related was the indirect assistance to Austria provided in a resolution (H. J. Res. 340, approved February 4, Public Resolution No. 81) by which the Secretary of the Treasury is authorized to subordinate "the lien of the United States upon the assets and revenues of Austria pledged for the payment of the Austrian relief bonds held by the United States" to a new international reconstruction loan. Austria's indebtedness to the United States is funded at $34,630,968.

(12) No major proposal touching administration even reached the floor.[31] Important in its way, however, is the act (H. R. 5769, approved February 27, Public No. 833) enlarging the functions of the general supply committee. Hitherto confined to writing purchasing contracts without regard to definite amounts, it is now to have a revolving "general supply fund," storage facilities, and will itself purchase or procure and distribute supplies. On the structural side, a step is taken in the creation of a congressional joint commission on insular reorganization which is to report in December regarding the advisability of placing all matters pertaining to the insular possessions in one bureau

[30] The justification for the further loan was said to lie in the fact that the United States did not loan Greece its full proportion in the inter-allied loan. This feature of the bill, particularly, excited minority opposition in the committee and in the house. On December 10 the bill carried by what was nearly a party vote: 171 (157 Republicans, 13 Democrats, 1 Farmer Labor) to 155 (23 Republicans, 130 Democrats, 1 Farmer Labor, 1 Socialist). It was said in defense of the settlement that, expressed as a percentage of present cash value, it represents a settlement at 34½, compared with 26½ in the case of Italy.

[31] Hearings were held by the committee on expenditures in the executive departments in January and February, 1929, on H. R. 16722, for the consolidation of activities affecting war veterans. Previously, in March and April, 1928, the same committee had held hearings on the Wyant bill, H. R. 8127, for the consolidation of construction and engineering functions.

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or department (S. J. Res. 9, approved March 4, Public Resolution No. 108).

(13) Minor also are the recent changes in judicial organization.[32] The title of the Court of Customs Appeals is changed to Court of Customs and Patent Appeals, to which are diverted (in view of the relative congestion of the latter tribunal) appeals from the commissioner of patents which formerly went to the Court of Appeals of the District of Columbia (H. R. 6687, approved March 2, Public No. 914). A new judicial circuit—the tenth—is created by the division of the former eighth circuit (H. R. 16658, approved February 28, Public No. 840.

(14) Prohibition claimed more than usual attention. Note is made elsewhere (p. 381) of the humor involved in the unsuccessful attempt to compel the Administration to take more money for enforcement. On the penal side, the successful measure which bears the name of Senator Jones (S. 2901, approved March 2, Public No. 899) saw the wets giving blows but yielding ground. This brief amendment to the National Prohibition Act states that the penalty imposed for each offense "shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both: *Provided*, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquor, or attempts to commercialize violations of the law."[33]

[32] Students of administration will find interest in the bill (S. 5154) to create a "United States court of administrative justice," introduced by Senator Norris for educational purposes and explained by him in the *Record* of January 3. On a very different side of the judiciary, mention may be made of two investigations, to be made by subcommittees of the House committee on judiciary, looking toward possible impeachment of Judge F. A. Winslow of the southern district of New York (H. J. Res. 425, approved February 26, Public Resolution No. 93), and of Judge G. M. Moscowitz of the eastern district of New York (H. J. Res. 431, approved March 2, Public Resolution No. 102). After the resignation of Judge Winslow on April 1, the committee dropped action.

[33] This proviso (suggested by Senator Reed of Pennsylvania and accepted by Senator Jones) was adopted on February 19 by 58 (35 Republicans, 23 Democrats) to 25 (6 Republicans, 19 Democrats). The motion of Senator Bingham of Connecticut to remove the penalty from first offenses lost by the neatly balanced vote of 31 (16 Republicans, 15 Democrats) to 51 (24 Republicans, 27 Democrats). In final form the measure then passed by 65 (36 Republicans, 29 Democrats) to 18 (5 Republicans, 13 Democrats.) On February 28 the House approved it by 283 (161 Republicans, 120 Democrats, 2 Farmer Labor) to 90 (44 Republicans, 46 Democrats.)

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The President and Legislation. In contrast with the sharp exchange of fire in the first session, no bills were returned with veto messages. Eleven measures, however, were extinguished by the pocket veto.[34]

Meanwhile the question of the right of pocket veto when exercised between the long and short sessions of a Congress was advancing to a judicial determination. On March 11, 1929, the new attorney-general appeared personally before the Supreme Court to argue the case of The Okanogan, Methow, San Poelis (San Poil), Nespelem, Colville, and Lake Indian Tribes or Bands of the State of Washington, petitioners, v. The United States (No. 565), in which the power of pocket veto was involved in connection with a bill (S. 3185) passed in the first session of the 69th Congress.[35]

The constitutional point gained immediate interest because it involved the fate of the Norris joint resolution in the first session (S. J. Res. 46) for government operation of Muscle Shoals. Senator Norris said on November 9, 1928: "It looks now that unless the Supreme Court holds that the Muscle Shoals bill passed at the last session of Congress is now a law, that great property developed at the expense of the American taxpayers cannot be saved for the people. We do not have the votes in Congress to pass a similar bill over the veto of the President, and it is well known that the next President would veto any bill that retained the ownership, control, and operation of Muscle Shoals in government hands." As a matter of fact, rugged reaction was at work even in the short session. On February 14 —acting (with disputed legality)[36] without having been specifically called by its chairman, Mr. Morin— a quorum of the House committee on military affairs convened and drove through a favorable report of

[34] The most important of these were an amendment to the civil service retirement law (S. 1727); the self-styled federal tort claims act (H. R. 9285); a proposal permitting the United States to be made a party defendant in certain cases (H. R. 13981); and measures touching the life-saving service (H. R.16656), and the Ouachita National Park (S. 675). The remaining six were private bills. In addition, three were vetoed because companion bills had already become law.

[35] See the printed brief for the government, prepared by W. D. Mitchell and R. P. Reeder, and a brief on the other side, prepared by Representative H. W. Sumner, as *amicus curiae*. Earlier, on December 22, 1928, President Coolidge transmitted to Congress a memorandum on the point. (H. Doc. 493)

[36] On February 16 (temporary paging 3741–7) the Speaker held this action proper, ruling "whenever the circumstances are such that members of the committee feel it necessary to procure legislation and they have a quorum present, that meeting is legal if it occurs in the committee room on the regular day."

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the so-called Madden bill (H. R. 8305) for a lease to the American Cyanamid Company.

Appropriations. For the first time, the total of the appropriation acts exceeded the budget estimates.[37] The net excess was $8,159,869. Reference to the accompanying table[38] will show that six of the eleven appropriation acts were under the estimates. The excess was partially due to an increase of $3,912,085 for certain military functions in the War Department appropriation act. Most important of all was the swelling of the second deficiency act by $11,065,455—of which $7,400,000 was to modernize two battleships in accordance with an authorization secured without budget approval.

A bizarre deadlock in which budgetary relations were involved arose from the attempt to impose a large additional appropriation for prohibition enforcement. There was much criss-crossing of the motives of willful wets, wishful drys, and Democrats, wet or dry, who did not wish well for the Administration. It began as wet strategy, when on December 17 Bruce of Maryland attempted to raise the appropriation for prohibition enforcement carried by the Treasury-Post Office appropriation bill from $13,500,000 to $270,627,000. He came within three votes of overturning the committee's report, 35 (3 Republicans, 32 Democrats) to 38 (35 Republicans, 2 Democrats, 1 Farmer Labor). It was a game others could play and about which drys could be serious. When the first deficiency appropriation bill reached the Senate, an amendment offered by Harris of Georgia (which the Senate committee reduced from $50,000,000 to $24,000,000) was adopted on January 22 by 50 (14 Republicans, 36 Democrats, 1 Farmer Labor) to 27 (24 Republicans, 3 Democrats).[39] The Administration squirmed violently. The friendly House bundled the bill back into conference by a vote of 240 to 141. It seemed lost, and the more urgent items were loaded into the second deficiency appropriation bill. This, in turn, became the means for the attack. Representative Byrns, ranking minority

[37] The net reductions of the estimates by Congress by fiscal years since the establishment of the budget have been: 1923, $312,361,792; 1924, $10,741,504; 1925, $9,024,637; 1926, $12,596,495; 1927, $6,716,064; 1928, $7,752,939; 1929, $9,331,779.

[38] P. 382. The information was supplied directly (in the absence of the usual official summaries by the chairmen of the committees) by M. C. Shield, head clerk of the House Committee on Appropriations.

[39] The item read in part: "For increasing the enforcement force, $24,000,000, or such part thereof as the President may deem useful, to be allocated by the President as he may see fit . . . . and to remain available until June 30, 1930."

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RECAPITULATION OF APPROPRIATION ACTS, SECOND SESSION OF SEVENTIETH CONGRESS

Title of Act	Budget estimates, Seventieth Congress, second session	Totals of bills as reported by House Committee on Appropriations	Appropriations, Seventieth Congress, second session	Increase (+) or decrease (−) Appropriations Compared with Budget Estimates	Increase (+) or decrease (−) Seventieth Congress, second session Compared with first session
Regular acts, fiscal year 1930					
Agriculture, Department of	143,939,095	143,148,047	144,511,554	+572,459	+5,372,760
District of Columbia	38,573,722	38,213,150	38,472,615	−101,107	+847,407
Independent Offices	540,992,930	541,314,144	541,445,740	+452,810	+13,852,629
Interior Department	285,743,345	283,287,963	285,585,463	−157,882	+12,929,424
Legislative Establishment	18,826,265	18,645,052	18,660,645	−165,620	+913,751
Navy Department	361,465,132	347,450,448	360,236,697	−1,228,435	− 1,909,115
Departments of State, Justice, Commerce, and Labor:					
State	14,603,598	14,600,478	14,600,478	−3,120	+644,523
Justice	28,103,570	27,937,370	27,937,370	−166,200	+1,178,027
Commerce	58,456,749	58,519,609	58,577,609	+120,860	+20,440,649
Labor	10,710,430	10,715,430	10,765,430	+55,000	−202,910
Total	111,874,347	111,772,887	111,880,887	+6,540	+22,060,289
Treasury and Post-Office Departments:					
Treasury	303,423,434	303,459,664	303,674,474	+251,040	+7,282,456
Post-Office	815,989,325	813,215,725	814,615,725	−1,373,600	+49,665,683
Total	1,119,412,759	1,116,675,389	1,118,290,199	−1,122,560	+56,948,139
War Department:					
Military	328,398,247	328,038,815	332,310,332	+3,912,085	+22,708,763
Non-Military	122,249,420	107,089,600	121,479,030	−770,390	+32,563,377
Total	450,647,667	435,128,415	453,789,362	+3,141,695	+55,272,140
Total, Regular Annual Acts	3,071,475,263	3,035,635,495	3,072,873,162	+1,397,898	+166,287,426
Deficiency Acts					..
First, 1929	103,616,946	84,128,310	97,613,461	−6,003,485	.....
Second, 1929	103,322,527	191,625,765	114,387,982	+11,065,455	.....
Total, Deficiency Acts	206,939,473	275,754,075	212,001,444	+5,061,970	−134,593,521
Total, Regular annual and deficiency acts	3,278,414,737	3,311,389,570	3,284,874,606	+6,459,869	+31,333,904
Miscellaneous relief, claims and other acts (estimated)	.....	.....	1,700,000	+1,700,000	+708,471
Total, regular annual, deficiency and miscellaneous	3,278,414,737		3,286,574,606	+8,159,869	32,042,375
Permanent and Indefinite appropriations	1,378,679,735	.....	1,378,679,735	.....	−844,171
GRAND TOTAL	4,657,094,473	.....	4,665,254,342	+8,159,869	+ 31,198,203
GRAND TOTAL, EXCLUSIVE OF POSTAL SERVICE, FROM POSTAL REVENUES	3,813,595,653	.....	3,823,349,122	+9,753,469	−33,699,984

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member on the appropriations committee of the House, was defeated in the attempt to saddle it with the item of $24,000,000; the vote was 125 (8 Republicans, 117 Democrats) to 239 (195 Republicans, 42 Democrats, 1 Socialist, 1 Farmer Labor). In the end the House, and with it the Administration, triumphed in conference, and the Senate accepted the first deficiency appropriation bill without the added funds for prohibition enforcement.[40]

Comparing the total appropriations with those of the first session, it will be observed that there was an increase of only $31,198,203; and even a decrease of $33,699,984, if the postal service is disregarded. The comparison is misleading, however, unless it is noted, first, that the regular annual appropriation acts for 1930 exceeded those for 1929 by $166,287,426, and, second, that the deficiency acts aggregated $134,953,521 less than those of the preceding session; and unless it is remembered that the latter acts carried appropriations which would have been made in the second session of the Sixty-ninth Congress if they had not been caught in the Senate filibuster in March, 1927. In this light the trend of the appropriations confirms the forecast of the director of the budget, who remarked at the meeting of the Government Business Organization on January 28, 1929: "That 1927 figure of $2,974,029,674.62 is the lowest expenditure level this government will ever see . . . . . When legitimate operating expenses fail to show development and growth it will be evidence that something is radically wrong with the Republic." These are reassuring words from the founder of the Woodpecker Club and the Casualty Club.

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Changes of Bureau Chiefs in the National Administration of the United States, 1926–29. It is the purpose of this note to bring down to date an analysis of the selection and tenure of bureau chiefs in the national administration offered by the writer in this *Review* in 1926.[1] A complete enumeration of the changes that have taken place at this

[40] The vote on the conference report—66 (33 Republicans, 33 Democrats) to 16 (7 Republicans, 9 Democrats)—had to do mainly with the unsuccessful attempt to attach a proviso for some kind of open procedure in tax refunds—a matter much bruited during the session.

[1] Vol. 20, pp. 548–582, 770–811, August and November, 1926. The articles dealt especially with conditions in 54 bureaus in the departments of Treasury, Interior, Agriculture, Commerce, and Labor. The present study is confined to these same departments.

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crucial level in the civil service during an interval of nearly three years has suggestive value, at least in indicating the trend of our bureaucracy.

The mode of approach in the original study was primarily biographical. The bureaus were classified with reference to the manner of selection and the nature of the prior experience of the bureau chiefs then in office.[2] The same method and arrangement are used in dealing with shifts since 1926.

II

First to be considered are the new bureau chiefs whose positions are in the classified competitive service under the supervision of the Civil Service Commission. Replacements in this group since 1926 have involved the amalgamated Bureau of Chemistry and Soils, the Bureau of Dairy Industry, the Bureau of Agricultural Economics, the Bureau of Biological Survey, the Forest Service, the Bureau of Entomology, and indirectly the newly constituted Food, Drug, and Insecticide Administration and the Plant Quarantine and Control Administration—all in the Department of Agriculture; also the National Park Service in the Department of the Interior. In two instances competitive examinations have been employed; in another, one has been ordered; in the remaining cases the new chiefs have been chosen by promotion from within the competitive classified service.

Examinations were used in selecting the head of the recently created Bureau of Chemistry and Soils and in filling the vacancy caused by the resignation of the chief of the Bureau of Dairy Industry. It is perhaps significant that resort was not made to the provision known as civil service Rule II, section 10, which authorizes the Civil Service Commission, upon application by the department in question, to waive examination if it is convinced "that the duties or compensation of a vacant position are such, or that qualified persons are so rare, that in its judgment such positions cannot . . . . be filled at that time through open competitive examination." Certainly it is significant

[2] The bureaus were accordingly arranged in four groups: (1) those having chiefs who had been appointed under the merit system administered by the Civil Service Commission; (2) those which have self-administered closed systems of commissioned personnel, although their chiefs are presidential appointees; (3) those of which the chiefs in office in 1926 were persons who had been employed in the national administration before they became heads of bureaus; and (4) those of which the chiefs in office in 1926 were persons who had no prior experience in the national administration.

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that both examinations were of the so-called committee type. The probability that this very flexible variant of the non-assembled test will prevail in the future when examinations are held to fill such positions as bureau-chiefships seems to be indicated in the following quotation from an informal letter of explanation received by the writer from the secretary of the Civil Service Commission: "The only reason this type of examination had not been used to fill the position of chief of bureau was that no vacancy in a chiefship which was subject to the civil service rules had occurred since this type of examination had been devised for filling higher grade places.[3]

In view of the interest which therefore attaches to the committee type of examination, it is worth while to quote further from the Commission's letter: "In conference between the officials of the department and the Civil Service Commission, a committee is formed composed of one representative of the Civil Service Commission, acting as chairman, and two and sometimes four persons who are recognized specialists in the particular line of work in which the vacancy happens to be. One of these persons represents the department involved, and the remainder of the committee is chosen from specialists outside the government service. An announcement of the examination is then prepared showing the personnel of this committee who will rate the papers, as well as giving a description of the vacancy and a statement of the qualifications required for filling it. This announcement is sent to technical journals interested in the special line of work involved, and also to the heads of departments at the universities where this special line of work is carried on. The members of the committee, as well as some other outside specialists, are requested to furnish names to the Commission of men who, in their judgment, are qualified to fill the vacancy. These men are communicated with direct and re-

[3] Under date of March 23, 1929, the secretary of the Commission informed the writer, unofficially: ". . . . the reclassification of the service by the so-called Welch Act, effective July 1, 1928, has resulted in a number of recent calls on the Commission to fill positions now paying $5,200 and $6,500 a year. The committee form of examination will probably be used to secure eligibles for filling positions paying $5,200 or more, at least in all cases where the responsibilities involved seem to warrant such a course." In the summer of 1928 the committee method was used in the selection of M. W. Stirling as chief of the Bureau of American Ethnology of the Smithsonian Institution. The special examining board in the case consisted of Dr. C. G. Abbott, secretary of the Smithsonian Institution, Dr. A. V. Kidder, ethnologist with the Carnegie Institution, and F. W. Brown, of the examining division of the Commission.

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quested to file application if they are interested in being considered. The applications received as a result of these three methods of publicity are considered by the committee, and those who do not meet the prerequisites laid down in the announcement are canceled, while those who do meet the requirements are given an eligible rating on a basis of 100 per cent, and a register is made up of the eligibles. From this register the three top names are thereupon certified to the department for consideration in filling the vacancy."

The first bureau chief to be chosen by the type of examination just described was Dr. Henry G. Knight, head of the new Bureau of Chemistry and Soils. This agency resulted from a reorganization which took effect on July 1, 1927, in accordance with provisions in the agricultural appropriation act approved on January 18. It brought together the research functions of the former bureau of chemistry, the work previously done by the bureau of soils, the activities of the hitherto separate fixed-nitrogen research laboratory, and units in the Bureau of Plant Industry concerned with soil-fertility and soil-bacteriology. There was thus created an essentially research agency comprising the three main branches of chemical and technological research, soil investigations, and fertilizer and fixed-nitrogen investigations. The regulatory activities of the bureau of chemistry were transferred to a new Food, Drug, and Insecticide Administration,[4] into which was also merged the former insecticides and fungicides board. The whole reorganization, like the establishment a year later of the Plant Quarantine and Control Administration, was in line with the policy indicated by Secretary Jardine in his annual report for 1928, where he said: "During my term of office the improvement of the Department's organization has been sought by carrying out, as far as practicable, the principle of segregating research and regulatory work into separate administrative units."[5]

[4] The Food, Drug, and Insecticide Administration has been in charge of W. G. Campbell, director of regulatory work for the Department of Agriculture as a whole. His connection with the department dates to 1907, and previously, after practicing law for a few years, he had gained experience in food and drug enforcement work in the Kentucky State Agricultural College service. He was assistant chief of the former bureau of chemistry from 1916 to 1923, when he was made director of regulatory work—one of five virtual assistant secretaries now provided in the organization of the Department of Agriculture. When conditions have become stabilized, it is expected that a distinct chief for the Food, Drug, and Insecticide Administration will be appointed.

[5] *Report of the Secretary of Agriculture*, 1928, p. 47. Another view of the

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An examination of candidates for the post of chief of the Bureau of Chemistry and Soils was originally announced for April 5, 1927, in the sense that applications were to be filed by that time. In the meantime, however, the position was reclassified in a higher grade of the professional service in order to bring its salary in line with those of the chiefships of the major bureaus of the department.[6] This step

reorganization referred to is presented by the distinguished, now venerable, still active, and always pungent Dr. Harvey W. Wiley, head of what was the Bureau of Chemistry from 1883 to 1912, and in many senses the father of food and drug legislation, in a book entitled *The History of a Crime*, which probably will be published during the year. Dr. Wiley argues that the provision for the Bureau of Chemistry and Soils in the agricultural appropriation act was general legislation which might have been stricken out on a point of order. Begging the question (an interesting one for the student of administration) whether an exclusively policing agency like the new Food, Drug, and Insecticide Administration is inherently less capable of drastic regulation than a mixed agency such as the Bureau of Chemistry, it is clear to the observer that Dr. Wiley's criticism of general tendencies in food and drug enforcement illustrates the difference of viewpoint and spirit between the pioneering and crusading period of governmental regulation and the later collaborative stage, with its attendant consultation and inevitable compromises.

[6] On April 1, 1927, the Federal Personnel Classification Board assigned the P–7 grade in the Professional and Scientific Service (P&S) to the chiefships of the bureaus of Public Roads, Forest Service, Animal Industry, Plant Industry, and Agricultural Economics, which entitled the occupants of these positions to the $7,500 salary.

Since that time, especially after the Welch Act became effective on July 1, 1928, numerous changes of classification and a general scaling up of compensation have affected bureau chiefs in all departments. A summary of the present classification of bureau chiefs and their rates of compensation (as of March 15, 1929) is given by departments: (1) *Agriculture.* Of 14 bureau chiefs, 11 are classified as P&S–8, and of these one receives $9,000 per annum; 2, $8,500; and the remainder $8,000. The other three are classified P&S–7; one receives $7,000 and the others $6,500. (2) *Commerce.* Six are classified P&S–8 and receive $9,000; one, P&S–7, receiving $7,500. The others are classified in the Clerical, Administrative and Fiscal Service (CAF); two in grade 15, receiving $9,000; two in grade 14, receiving $7,500. (3) *Labor.* Two, classified in P&S–8, draw $8,000; two others, in P&S–7, receive $7,500 and $6,500. One is in CAF–15, drawing $8,000; one in CAF–14, at $7,000; and another in CAF–13, $5,600. (4) *Interior.* One, drawing $10,000 by special act, is classified as P&S–9; another, in P&S–8, is paid $9,000; and a third, in P&S–7, $7,500. The other bureau chiefs are in CAF grades: two in grade 15, at $8,000; and two in grade 14 at $7,500 and $6,500. (5) *Treasury.* All the bureau chiefs in the Treasury (leaving out the unclassified heads of the Public Health Service and the Coast Guard) are classified in CAF grades: one in grade 16 at $10,000; two in grade 15 at $9,000; three in grade 15 at $8,000; one in grade 14 at $6,500; and one in grade 13 at $6,000.

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was prompted by the fact that candidates had not been offering themselves in sufficient numbers. The change in classification necessitated the announcement of a new examination, requiring the filing of applications before June 7, 1927. "In view of the importance of the position in the field of chemistry and soils," read the announcement, "and to secure the appointment of a thoroughly qualified man, the Commission will follow its committee method of competitive examination. . . . . Instead of the usual form of civil service examination, the qualifications of candidates will be passed upon by a special board of examiners, composed of Dr. A. F. Woods, director of scientific work in the Department of Agriculture, Dr. Jacob G. Lipman, director of the New Jersey Experiment Station, and Mr. Frederick W. Brown, consulting examiner of the United States Civil Service Commission. For the purposes of this examination, those men will be examiners of the Civil Service Commission." It was stated that the minimum qualifications for consideration were "scholarship equivalent to that represented by a doctor of philosophy degree from a college or university and recognized eminence in chemical research," and also experience "of a length and character to demonstrate high ability in the direction and prosecution of chemical and soil research, administrative capacity of the highest order, and thorough familiarity with the literature of chemistry and soils. . . . ." Candidates were required only to execute and file a statement on one of the forms of the Commission, accompanied by a list of technical publications and reprints of such as were available.

In all, twenty-seven applications were received by the examining committee. Of these, six were given an eligible rating and the three highest were certified to the Secretary of Agriculture. In September, 1927, the Department announced the appointment of Dr. Henry G. Knight. It seems that of all the candidates the committee thought him the best qualified. It is interesting to add that he probably would not have been a candidate of his own initiative. Born in Kansas in 1878, Dr. Knight did his undergraduate work at the University of Washington, from which he received his bachelor's degree in 1902. In 1917, he was given the degree of doctor of philosophy at the University of Illinois. In the meantime, he had been associated with the departments of chemistry in the universities of Washington and Chicago between 1901 and 1904, and with the University of Wyoming, at which he was professor of chemistry and state chemist from 1904 to 1910. Thereafter Dr. Knight was director of the Wyoming Experi-

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ment Station and dean of the College of Agriculture until 1918; dean and director at the Oklahoma Agricultural College from 1918 to 1921; and director and research chemist in the experiment station at the University of West Virginia from 1922 to 1927. At the time of his appointment as chief of the Bureau of Chemistry and Soils he was dean of the West Virginia College of Agriculture.

Before leaving this case of appointment of a bureau chief by open competitive examination it is well to add a word lest the reader raise the question whether it would not have been more proper to find the new leader among the heads of the three agencies merged in the Bureau of Chemistry and Soils. Milton Whitney, in charge of soils from 1894 until 1927, was then sixty-seven years of age and in far from good health; his death followed shortly. Dr. C. A. Browne, head of the Bureau of Chemistry from 1923, had already indicated that he was too much interested in research to welcome increased administrative responsibilities. He continues as assistant chief in charge of chemical and technological research in the new bureau. The same considerations operated in the case of the brilliant Dr. F. G. Cottrell, head of the former fixed-nitrogen research laboratory, who now serves as chief of the branch of fertilizer and fixed-nitrogen investigations in the Bureau of Chemistry and Soils. Earlier in his career he showed his determination not to be diverted from research by resigning in 1920 as director of the Bureau of Mines, a post he had taken on the stipulation that he was to be relieved at the end of a year. Again he deserves applause for the fine spirit with which he has allowed his work in the fixed-nitrogen laboratory to be drawn within the compass of the Bureau of Chemistry and Soils, to which logically it belongs.

The type of examination used in selecting the head of the Bureau of Chemistry and Soils was employed a year later in choosing O. E. Reed as chief of the Bureau of Dairy Industry. This position was opened early in 1928 by the resignation of Dr. C. W. Larson in order to become director of the National Dairy Council, an unofficial, promotional agency. The acting chief of the bureau, Dr. L. A. Rogers—a technical bacteriologist—eliminated himself from consideration; it may be added that he continues in charge of its dairy research laboratories. A special board of examiners was constituted consisting of Dr. A. F. Woods, director of scientific work in the Department of Agriculture, Dr. R. A. Pearson, president of the University of Maryland, Dean J. H. Skinner of Purdue University, Dr. L. A. Rogers, and F. W. Brown, of the examining division of the United

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States Civil Service Commission. It was announced that "the examination will consist solely of the consideration of qualifications by the special board." Again the stated minimum qualifications included "scholarship equivalent to that represented by a doctor of philosophy degree from a college or university of recognized standing." The announcement added that "the committee will take steps to obtain evidence that the applicant is of a coöperative disposition and that he has the ability to make and keep friends. . . . ." The call brought forth sixteen applicants, of whom nine were found eligible. Mr. Reed was selected on May 24, 1928, from among the three highest names on the list. At the time he was professor of dairy husbandry and head of dairy research in the experiment station at the Michigan State Agricultural College, having held those positions since 1921. Previously he had served in similar capacities at Purdue (the agricultural college of Indiana) from 1918 to 1920, and at the Kansas State Agricultural College from 1910 to 1918, following his completion of undergraduate and graduate work at the University of Missouri in 1910. In 1925–6 he was president of the American Dairy Science Association.

Apart from the two cases noted, the bureau heads subject to civil service rules who have been appointed since 1926 have been chosen by promotion and transfer, not open competitive examination. In the bureaus of Agricultural Economics and Entomology, and in the National Park Service, the person who was second in command was chosen to fill the vacancy. In the Forest Service, although the associate chief was passed by, the post went to one of the assistant chiefs. In the Bureau of the Biological Survey the new chief was drawn from a different but related bureau in the same department, where at the time he was one of the assistant chiefs.

Dr. C. L. Marlatt, associate chief of the Bureau of Entomology, was advanced to the position of chief in October, 1927, when, at his own request, Dr. L. O. Howard was relieved of active administrative duties.[7] Dr. Howard, it may be added, was then in his seventieth

[7] The Department of Agriculture is adopting what seems a sound policy for the retirement of bureau chiefs. The Secretary of Agriculture thus expresses it: "After years of meritorious service devoted to administrative work, it seems fitting that members of the Department who have attained distinction in science should be relieved of executive responsibilities, so that they may devote all their energies to research. Accordingly, at their own request, I have relieved from further administrative duties the former chief of the Bureau of

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year; he had been continuously in the federal service since 1878, and chief entomologist since 1894. Dr. Marlatt, having graduated from the Kansas State Agricultural College in 1884, permanently joined the staff of the United States Department of Agriculture in 1889, after a short term in academic service. He has followed closely on the heels of his predecessor at many points. In 1894, for example, he was recommended to succeed Dr. Howard as first assistant in what was then the division of entomology. He was assistant chief of the Bureau of Entomology after 1905 and associate chief in charge of regulatory work after 1922.

Dr. Marlatt has also been temporarily in charge of the new Plant Quarantine and Control Administration established on July 1, 1928, as a phase of the policy to which reference has already been made. In it have been integrated the functions of the Federal Horticultural Board, the regulatory work hitherto done under the direction of the Bureau of Entomology in connection with the gypsy and browntail moths, Japanese and Asiatic beetles, the European corn-borer, and the Mediterranean fruit-fly, and also some regulatory work conducted by the Bureau of Plant Industry in connection with white pine blister-rust quarantine.[8] In accordance with a provision in the agricultural appropriation act for 1929, the Federal Horticultural Board has been abolished. In its place an interdepartmental advisory board called the Federal Plant Quarantine Board has been set up in the new administration. It was natural, especially in the formative period after the reorganization, that Dr. Marlatt should direct not only the Bureau of Entomology but also the Plant Quarantine and Control Administration. He was virtually the author of the basic plant quarantine act of 1912, and he was chairman of the Federal Horticultural Board from the time of its inception in this act until it was merged in the Plant Quarantine and Control Administration. Recently a call was issued for applications, due by May 1, 1929, in an

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Biological Survey, E. W. Nelson, an internationally recognized leader in the study and conservation of wild life; the former chief of the Bureau of Entomology, L. O. Howard, long recognized as a distinguished investigator in entomology. . . . ." *Report of the Secretary of Agriculture*, 1928, p. 48. Even if it were no more than kindly euphemism, the procedure would be commendable.

[8] "It had long been felt that the growing volume of regulatory work was materially interfering with the development and prosecution of research work, which was the primary purpose of the Bureau [of Entomology]." *Report of the Entomologist for the Fiscal Year ending June 30, 1928*, p. 1.

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examination of the committee type to choose a separate chief of the Plant Quarantine and Control Administration at an initial salary of $6,500. The special examining board was announced to comprise the director of regulatory work in the Department of Agriculture, the assistant chief of the Bureau of Entomology, and the chief examiner and assistant chief of the examining division of the Civil Service Commission. The qualifications include "a minimum period of ten years' responsibility for the administration of important plant quarantine work."

Another clear-cut promotion was the appointment in July, 1928, of Nils A. Olsen, senior in service of the two assistant chiefs, to be chief of the Bureau of Agricultural Economics. This bureau has so grown in stature that its appropriations for 1930 total $6,312,660; in addition, its work—as in crop-forecasting, advice regarding policies of agricultural relief, etc.—inherently offers more opportunities for trouble than that of any other branch of the Department of Agriculture. The vacancy at the top was caused by the resignation of Lloyd S. Tenny, who had been assistant chief at the time of the appointment of Thomas P. Cooper as chief in 1925, and who succeeded him when Dean Cooper returned to the State Agricultural College at the University of Kentucky in 1926. Mr. Tenny resigned to go with the Associated California Fruit Industries, Inc. Rumors about salaries can usually be discounted heavily, but the writer has it on what seems good authority that the compensation promised Mr. Tenny in his new position (guaranteed by the Bank of Italy, it appears) was to be $17,500 for the first year, $20,000 for the second, and $22,500 for the third. The new chief of the Bureau of Agricultural Economics joined the Department of Agriculture in 1919, at the age of thirty-five, as an assistant agricultural economist. Previously he had done graduate work at Johns Hopkins, Wisconsin, and Harvard, had been an instructor at Muhlenberg and an assistant in history at Harvard, and from 1912 to 1919 a farm manager. In the Bureau of Agricultural Economics he was advanced to the post of assistant chief in charge of research; he collaborated with the late Secretary Wallace in his book, *Our Debt and Duty to the Farmer;* he stood next to Mr. Tenny, enjoying also cordial and close relations with the office of the Secretary of Agriculture. Mr. Olsen's promotion to the position of chief of the bureau was a logical step in 1928, especially in view of the fact that the Department chose not to invite an open competitive examination in which (the writer is credibly informed) as many as thirty candidates were likely to compete.

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In this case, promotion was accomplished in the face of criticism from at least one source. Southern cotton producers had been angered by the bureau's price forecast in September, 1927. Not only Tenny but also Olsen, second in command, took the hammering of a Senate investigation.[9] On July 6, 1928, after Mr. Olsen's appointment as chief had been announced, Representative Rankin of Mississippi went so far as to write to the Secretary: "As a member of Congress from an agricultural state whose farmers have suffered greatly as a result of the misconduct of the Bureau of Agricultural Economics and this man, Olsen, I desire to protest against his appointment . . . . [which is] little short of a criminal abuse of the powers vested in you as Secretary of Agriculture." To the bystander the promotion of Mr. Olsen seems the more praiseworthy because it was not entirely the line of least resistance.

Another promotion was the selection of R. Y. Stuart, assistant forester in charge of public relations, to head the Forest Service. The former chief, W. B. Greeley, resigned on April 30, 1928, to take a position with the West Coast Lumber Manufacturers' Association; he had been with the Forest Service since 1904 and chief forester since 1920. In accepting his resignation, the Secretary of Agriculture wrote: "It would be impossible to overstate the high character of the service that has been rendered by Col. Greeley to the welfare of the American people. . . . . His public service has been continuous over a period of more than twenty-three years, his entire working life up to the present time." Col. Greeley's successor has had very similar experience. He entered the Forest Service in 1906, at the age of twenty-three, directly after his graduation from the Yale Forestry School. At the time of his appointment as chief of the service, he was an assistant forester in charge of one of the seven branches into which the work of the bureau is divided. The intervening period of twenty-two years had been spent wholly in the employ of the Forest Service—at first in the field, after 1912 at Washington—with only two breaks. During the war he was furloughed for military service, rising to the rank of commanding officer of a battalion of the 20th (Forest) Engineers. In 1920 he went to Pennsylvania as deputy commissioner of forestry under Gifford Pinchot, then commissioner

[9] Hearings before a sub-committee of the Committee on Agriculture and Forestry, U. S. Senate, 70th Congress, 1st Session, pursuant to S. Res. 142—a resolution to investigate the recent decline in cotton prices (March-May, 1928), p. 1482.

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of forestry. He succeeded Mr. Pinchot as commissioner of forestry when the latter was elected governor of Pennsylvania. When the state departments were reorganized in 1923, Major Stuart became secretary of the Department of Forestry and Waters. It is doubtless to his credit that he did not survive the Pinchot administration. In February, 1927, he returned to the United States Forest Service as head of the branch of public relations. In view of the growing importance of state coöperation in the work of the Forest Service, the value of such an interval of state service in a responsible position can hardly be overestimated. Mr. Stuart's case affords further reason for commending the wisdom of the civil service regulation (Rule X, section 3) which preserves the retransfer privileges of a federal employee in the classified competitive service who "has served continuously and satisfactorily . . . . in the service of a state, county, municipality, or foreign government in a position in which he has acquired valuable training and experience."

The selection of Paul G. Redington as chief of the Biological Survey in May, 1927, was hardly less a case of promotion because it involved his transfer from the Forest Service, where he was assistant chief in charge of public relations. No examination was necessary. "Mr. Redington was selected as the best available man in the Department of Agriculture," wrote the secretary of the Civil Service Commission. "He was transferred to the Biological Survey long enough to familiarize himself with the work and then, upon the resignation of Dr. Nelson, was promoted to the chiefship. Mr. Redington had a civil service status which permitted the approval of his transfer and promotion without question." After graduating from Dartmouth in 1900, and from the Yale Forestry School in 1904 with the degree of master of forestry, Mr. Redington spent the next twenty-three years in the Forest Service, broken only by a six-months term during 1918 as city manager of Albuquerque, New Mexico, in the region in which he had been serving as district forester. Following that, he served for six years as district forester in the California district, administering the eighteen national forests in that state—in one of which (it may be added, to illustrate the spiral staircase of the civil service) he had been supervisor for a period of five years a decade before. He was moved to Washington as one of the seven assistant chiefs of the Forest Service about a year before he was chosen to be head of the Biological Survey.

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A few comments are ventured regarding the fact that in the case of Mr. Redington the new chief was taken from outside the Biological Survey itself. In the first place, it can be said that the four-fold work of the Survey—research regarding wild life, services in the field to combat animals and rodents inimicable to agriculture, police functions in connection with the protection of migratory birds, and latterly the establishment and administration of wild-life refuges—yield a relatively high common denominator between the Biological Survey and the Forest Service. Apart from this, however, and apart from the indefeasably personal element in all administration, the observer senses that there may have been other reasons at the time for looking around outside of the Survey. The Survey had incurred criticism in connection with its previous conservative opposition to a proposed reduction of duck bag-limits, in which it seemed then to be weakening. The Survey, moreover, had naturally been involved in the controversy regarding the proposed legislation for migratory bird refuges, involving the question whether the Department of Agriculture should be allowed to permit hunting in the refuges under certain conditions. It may be observed that the advocates of inviolate sanctuaries were destined to triumph in the final terms of the Migratory Bird Conservation Act of 1929.[10] At the time of his appointment, Mr. Redington was perhaps freer from embarrassments because he had not been immediately in the Bureau of Biological Survey.[11] It is an argument which presidents and heads of departments should use sparingly.

In addition to the foregoing instances in the Department of Agriculture, the selection of Horace M. Albright as director of the National Park Service in the Department of the Interior took place under the merit system by promotion without examination. The appointment was made necessary by the resignation, on account of ill health, of Stephen T. Mather, who had dealt with parks in the Department of the Interior since 1915, and who had been the head of the National Park Service from the time of its creation as an integrated service in 1917. In accepting Mr. Mather's resignation, effective January 8,

[10] Public No. 770, 70th Congress, 2nd Session, approved Feb. 18, 1929.

[11] A naturalist of note (known for his zeal as well as for his scientific attainments) remarked in a letter to the writer at the time, in reply to some questions regarding Mr. Redington's appointment: "Is it, then, any wonder that Secretary Jardine, who had been misled by persons under him on whose advice he had a right to rely, smarting under the sting of a false position, went clear afield for a successor to the man who had got him into a sad mess?"

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1929, the Secretary of the Interior voiced an appreciation widely echoed in editorial comment: "I am taking this opportunity, on behalf of the millions of Americans who enjoy the national parks each year, of assuring you of their grateful appreciation of the services you have rendered in developing and preserving these great national scenic areas . . . . you have achieved results that I believe no other man could have accomplished in the early days of organization. . . . . Not the least of your achievements was the ability of attracting to the service an unusually high type of men whose loyalty to their parks and to the chief who formulated its policies will insure its continued success." The work has now been taken up by a man who has spent virtually his entire active life in national park administration. Born in California in 1890, Mr. Albright did his undergraduate work at the University of California and for a short time was associated with instruction in economics there. Moving to the District of Columbia, he received the degree of LL. B. from Georgetown in 1914. For three years thereafter he was clerk to Secretary Lane and an assistant attorney in the Department of the Interior, assigned mainly to park matters. For two years following he was assistant director of the new National Park Service. Later (led by family considerations to prefer Western service) he acted from 1919 until 1929 as assistant director in the field, and at the same time as superintendent of the Yellowstone National Park. It was the appeal of Mather's work which had originally kept him in the service, and he remained Mather's closest adviser throughout, being the closer because of the former director's tendency to keep in the field.

II

Akin to the bureaus having heads selected under the merit system administered by the Civil Service Commission are three agencies which are characterized by self-administered, closed systems of commissioned personnel, although their chiefs are appointed by the President and confirmed by the Senate. The statutory terms of the heads of all these expired during the period under review. Two were reappointed. On January 11, 1928, Real Admiral F. C. Billard, commandant of the Coast Guard since 1924, was renominated and confirmed for another term of four years. He originally entered the Revenue Cutter Service (later merged in what is now the Coast Guard) in 1894 at the age of twenty; he was trained in its own cadet school and has spent his life in its employ. On January 27, 1928, Dr. Hugh S.

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Cumming (who entered the United States Public Health Service in 1894, a year after his graduation from medical school) was renominated and confirmed as surgeon-general for a third term of four years. On April 22, 1929, Raymond S. Patton, a graduate of Western Reserve in 1904, who has been with the Coast and Geodetic Survey since that time and one of the assistant directors (in charge of chart production) since 1919, was nominated as director of the Coast and Geodetic Survey in succession to E. Lester Jones.

III

So far as the law goes, all of the other bureau chiefs named since 1926 were appointed without restriction by a merit system or anything like it. It is notable that, with two exceptions, all the persons chosen were employed in the national administration at the time of their selection as heads of bureaus. One of these exceptions—the Commissioner of Education—was only technically such, for the new commissioner was deliberately sought and found in the field of state educational administration.

On June 20, 1927, Arthur J. Tyrer was made commissioner of navigation, in charge of the Bureau of Navigation in the Department of Commerce. He originally entered government employment in 1902, and in the following year he was made private secretary to Eugene T. Chamberlain, who was commissioner of navigation from 1893 to 1921. As early as 1909, Mr. Tyrer was deputy commissioner. Meanwhile he completed a four-year law course at George Washington University. As deputy commissioner, he was the assistant, and frequently the acting chief, during the incumbency of D. B. Carson, a politically connected, elderly, retired railroad-and-river-boat man from Tennessee, who was commissioner of navigation from 1921 to 1927. Mr. Tyrer's appointment is reassuring.

Gratifying as an evidence of promotion in an office marked by the uncertain, irregular tenure of appointments influenced by party or by personal considerations has been the appointment of John W. Pole as comptroller of the currency, in place of J. W. McIntosh, resigned. Born in England in 1870 and trained there for engineering, Mr. Pole came to the United States when about the age of twenty. For some ten years he was in private banking in Decatur, Alabama, as an officer and as director. Becoming bank examiner in the fourth federal reserve district, he worked up to the post of chief national bank examiner in the sixth federal reserve district. In 1923 he was desig-

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nated as chief national bank examiner for the entire United States. In leaving the office of comptroller of the currency, Mr. McIntosh said of his successor: "Mr. Pole is the highest paid man in this bureau, having been successively promoted until his salary is at the present time $17,000 per annum. For the four years of my incumbency as comptroller of the currency, he has been my principal reliance in the handling of difficult and intricate banking matters, and I have no hesitation in giving him full authority to represent me in distant parts of the United States in such situations." Nominated on November 20, 1928, Mr. Pole was twice confirmed by the Senate. As a member of the committee on banking and currency, Senator Glass took umbrage at the fact that the nomination (following a precedent inadvertently established in connection with McIntosh's nomination) had been referred to the Senate committee on finance. As a matter of principle, with no hostility to Mr. Pole himself, Senator Glass moved and secured a reconsideration. Mr. Pole was reconfirmed on December 14, 1928.

The Bureau of Prohibition was made a separate bureau in the Treasury Department by an act approved on March 3, 1927. Previously the work of prohibition enforcement had been conducted by a so-called prohibition unit in the Bureau of Internal Revenue. The new legislation extended the merit system to the agents of the Bureau of Prohibition, but provided that its chief should be appointed by the Secretary of the Treasury without regard to civil service restrictions. As it turned out, the selection of James M. Doran in April, 1927, to be the first occupant of the post of commissioner of prohibition in the independent bureau would not have been embarrassed by such restrictions. He had, in fact, come up through the competitive classified service. Born in North Dakota in 1885, the son of a minister, he graduated from the University of Minnesota in 1907, after specializing in chemistry. Later, while in the federal service, he carried on graduate work in George Washington University in 1912 and 1913. Beginning as a chemist in the Bureau of Internal Revenue in 1907, he became head of its division of industrial alcohol and chemistry in 1920. After December, 1926, he was head of the technical division of the prohibition unit. His selection as commissioner of prohibition was in effect a promotion.

The act of March 3, 1927, to which reference has been made in the preceding paragraph, also gave statutory recognition to a Bureau of Customs in the Treasury Department. Here, also, it was provided that

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the commissioner at its head should be named by the Secretary of the Treasury without regard to civil service restrictions. E. W. Camp, in charge of customs administration since 1922, has been kept on as commissioner. His experience prior to 1922 had been gained on the legislative side of government, for he was clerk to Representative Joseph Fordney for eleven years, and subsequently, from 1919 to 1922, he was clerk of the House committee on ways and means, of which Mr. Fordney had become chairman. To the regret of the Treasury, Mr. Camp resigned on April 5, 1929, to become associated with the American Sugar Refining Company in charge of its customs matters.

Traditions of internal recruitment and stability of tenure seem to be forming around the office of director of the mint, although the office is a presidential one, with senatorial confirmation, and although the statutory term is five years. Robert J. Grant was a mining engineer by profession, but he had been superintendent of the Denver mint for two years before he was appointed director of the mint in 1923. In December, 1928, he was renominated and confirmed.

Thoroughly regrettable, although not discreditable to the recently appointed treasurer of the United States, Walter O. Woods, has been the defeat of the Treasury in its attempt to fill the position by promotion. This relatively routine post, carrying a salary of $8,000 a year, became vacant in 1928 as a result of the voluntary resignation of Mr. White, an essentially political appointee who had occupied it since 1921. H. Theodore Tate was nominated in May, 1928, in what was a case of promotion for merit. Born in 1875, and employed for a time by railroad companies, Mr. Tate originally entered the government service in 1908 as a clerk in the office of the auditor of the Treasury. He was transferred to the office of the treasurer of the United States in 1913 and advanced through various clerical grades to the position of deputy assistant treasurer. In the Senate his nomination as treasurer was referred to the committee on finance, of which Senator Smoot of Utah is chairman. It seems that Mr. Smoot opposed confirmation, not because he had a candidate of his own, but because Representative Will R. Wood of Indiana, ranking majority member of the powerful House committee on appropriations, was vigorously pushing a friend, F. J. F. Thiel (also of Indiana), the assistant treasurer. It appears further that Mr. Wood's leverage had its fulcrum in the proposal of an assay office in Utah. As a result, Mr. Tate was not confirmed in the first session of the 70th Congress. He was given a recess appointment, and in December, 1928, his name was presented again.

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Mr. Wood was very angry. An impasse resulted. Mr. Tate felt that he could not risk service without salary. Although loath to drop him, the Treasury withdrew his nomination on January 15, 1929, and in its place offered the name of Walter O. Woods,[12] then register of the treasury, who had the advantage of the political backing of Senator Curtis, the majority leader. Under these auspices, confirmation was secured on the same day, without the reference of the nomination to a committee. In retiring, Mr. Tate made the following statement: "At the time of my nomination last spring Representative Will Wood, of Indiana, expressed vigorous opposition to the confirmation of my appointment with the claim that another should have been appointed. His opposition having prevented confirmation to date, I formally requested Secretary Mellon by letter last week to recall my nomination in order to avoid any possible embarrassment to the Department." The under-secretary of the Treasury said of Mr. Tate: "There is not a blemish on his record . . . . . his whole service record in the Department has been most satisfactory, but he feels he does not care to go into a fight and the Secretary has agreed to seek withdrawal of his name." The incident illustrates the disadvantage of making bureau chiefs presidential appointees, subject to senatorial confirmation. On the whole, it is preferable to have them appointed by the heads of departments.

IV

As this complete enumeration of the appointments of bureau chiefs since 1926 in the departments of the Treasury, Interior, Agriculture, Commerce, and Labor draws to a close, it will be observed that in a narrow sense one can say that W. J. Cooper, commissioner of education, lacked experience in national administration prior to his appointment as chief. A realistic view, however, must treat his appointment as in truth a promotion, especially in view of the fact that the

[12] W. O. Woods joined the Treasury Department in 1921, serving (restlessly, it seemed) in a catch-all called the war loan staff. In June, 1927, he was made register of the Treasury in place of Harley V. Speelman. The facts indicated that Mr. Speelman was forced out by a play of personal, rather than party, politics within the Treasury Department. Mr. Speelman talked for a time about refusing to resign, but in the end it seemed that others knew more about his health than he did. The new register, Edward E. Jones, was a member of the Federal Farm Loan Board, from which he resigned in 1927; a farmer, among other vocations, he had been in the Pennsylvania legislature upwards of eighteen years and is known as "Good Roads Jones."

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United States Bureau of Education finds its excuse for being in its coöperative relations with state and local school systems. The vacancy in question was caused by the resignation of Dr. John J. Tigert, commissioner since 1921, to become president of the University of Florida, on September 1, 1928. In filling the position the Department of the Interior indicated a preference for a man with experience in state educational administration. It was embarrassed in its search by the fact that the increase of salaries in school administration, not to mention other factors, tended to make the post of commissioner of education at $7,500 relatively unattractive. At least one state commissioner of education was publicly reported to have declined it. In the end, an outstanding state superintendent (whose personal circumstances made the salary a lesser consideration) accepted it, and he was appointed and confirmed in January, 1929. The new commissioner is a graduate of the University of California, taught in several high schools, was superintendent successively at Piedmont, Fresno, and San Diego, and for two years was the state superintendent of education of California (at a salary of $9,500). The *Journal of the National Education Association* remarked editorially in its issue for March: "The selection of State Superintendent William John Cooper of California to be U. S. Commissioner of Education is an admirable example of a presidential appointment on a professional basis." It seems that in the course of the search for a new chief only one person with political associations was mentioned seriously enough to give educators concern; he was a man who had been a city superintendent, a state superintendent from 1919 to 1923, and governor of his state from 1925 to 1928. In canvassing the field the Secretary of the Interior used the technique of individual consultation. The writer renews the suggestion with which he closed his earlier analysis of the selection and tenure of bureau chiefs: that the essential feature of the so-called committee type of examination should be invoked (as it can be, informally, without statutory change) in selecting even the presidentially appointed chiefs of bureaus.

It is appropriate to take note here of the policy of the new Administration. On March 8, 1929, the White House gave out the following statement: "In reply to a question from the press as to whether extensive changes are intended in the personnel of the government, the President said today that there were comparatively few changes contemplated. He proposes to adhere to the principle of retaining as many as possible of those public servants who have given honest and zeal-

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ous service. It is traditional for the principal directing heads of the government whose appointments are at the pleasure of the President, both at home and in foreign service, to tender their resignations with the advent of a new President. Out of several hundred such officials, there are probably not more than 20 or 30 changes likely to be made at the present time. Some of these are the result of the determination of the incumbents that they have given sufficient of their time to public service and wish to take this occasion to retire to private life. Some changes will be the result of promotion and shifts from one position in the government to another." It is understood that all bureau chiefs who held office at the pleasure of the President—that is, presidential appointees serving without stated statutory term— did tender their resignations. At the end of March only two had been accepted. Both were in the Department of the Interior, and both involved bureau chiefs whose appointment in 1921 had been obviously political.

On March 12, with graceful regret and the suggestion that he proposed "later to offer him another important position in public service," the President accepted the resignation of the commissioner of Indian affairs, Charles H. Burke. Mr. Burke was already sixty-seven years of age. He held what one of the best-informed observers of national administration calls "the meanest job in the entire government, so far as my knowledge goes." He had been attacked from three sources: by conservative critics who thought that he was too dependent on the routine of the bureau to furnish driving force for a needed reorganization; by the militant advocates of Indian rights; and by Oklahoma politicians who were angered especially by failure to secure a desired appointment in connection with the position of superintendent of the five civilized tribes. In such situations the appointment of a sympathetic outsider may be wholesome. On April 16 the post was given to Charles J. Rhoads, member of the Philadelphia banking firm of Brown Brothers. Descended from the public-spirited Quaker breed, he had traditions of Indian service, for his father was president of the Indian Rights Association for nine years and Mr. Rhoads himself has been its treasurer for twenty-eight years and recently its president.

In choosing a successor to Winfield Scott, whose resignation as commissioner of pensions was accepted, Secretary Wilbur said that an endeavor was being made "to secure a man who is familiar with actuarial insurance and allied problems." On April 22, Earl D. Church of Connecticut, having such experience, was named commissioner.

Of the other resignations of the presidentially appointed bureau

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chiefs, most, if not all, have been returned with the indication that no change is contemplated. Nevertheless the practice of conventional resignations at the beginning of each new administration is undesirable so far as it concerns chiefs of bureaus. The few that are accepted are in effect forced. It would encourage useful traditions of stability in the civil service to abandon the custom.[13]

ARTHUR W. MACMAHON.

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[13] Three recent vacancies in bureau-chiefships have nothing to do with the blanket resignations. In April, David H. Blair, commissioner of internal revenue, announced that he proposed to retire; it has been known for some time that he desired to withdraw on grounds of health. On April 19, Julius Klein, director of the Bureau of Foreign and Domestic Commerce, was named Assistant Secretary of Commerce. William Spry, commissioner of the General Land Office, died on April 22. No fundamental change in the type of commissioner of the Land Office is indicated in the nomination, on May 2, of Charles C. Moore, Governor of Idaho from 1923 to 1927.

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LEGISLATIVE NOTES AND REVIEWS

EDITED BY CLYDE L. KING
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State Constitutional Development Through Amendment in 1928. A greater number of states adopted constitutional amendments in 1928 than in 1927, the proportion being eighteen to seven. The balance between eastern and western states is preserved, there being no apparent difference in the need for amendments between the older and the newer states of the country. For convenience in associating the changes with constitutional provisions previously in force, they are herein treated by states rather than by subject matter. Also, the effect of the amendment upon the earlier section of the constitution is indicated where it is not apparent from the nature of the amendment.

West of the Mississippi River, Idaho leads in the number of amendments, having approved seven. The governor, secretary of state, auditor, treasurer, attorney-general, and superintendent of public instruction are to be paid monthly hereafter instead of quarterly (Art. IV, Sect. 19)[1] and hold office for four years instead of two (Art. IV, Sect. 1).[2] All county officers also receive their compensation monthly instead of quarterly (Art. XVIII, Sect. 7).[3] The compensation of the prosecuting attorneys is hereafter to be fixed by law (Art. V, Sect. 18).[4] Authorization for the loan of permanent educational funds is extended to county, city, and village bonds (Art. IX, Sect. 11).[5] The collection of all taxes is placed in the hands of specifically designated officers (Art. XVIII, Sect. 16).[6] The right of the state to regulate and limit the use of water for power purposes is affirmed (Art. XV, Sect. 3).[7]

Texas accepted four amendments. One exempts from taxation any property owned by a church or a strictly religious society for exclusive use as a dwelling place for the minister and which yields no revenue. This exemption is extended to property which is used

[1] Yes, 71,209; No, 32,377.
[2] Yes, 52,059; No, 48,497.
[3] Yes, 74,762; No, 28,618.
[4] Yes, 62,689; No, 33,438.
[5] Yes, 48,594; No, 41,970.
[6] Yes, 59,467; No, 32,688.
[7] Yes, 56,624; No, 38,001.

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exclusively and is reasonably necessary for conducting any association engaged in promoting the religious, educational, and physical development of boys, girls, young men, or young women (Art. VIII, Sect. 2).[8] Another permits the legislature to grant such money as may be deemed expedient to Confederate soldiers and sailors and to their widows, to disabled soldiers who were engaged in protecting the Mexican frontier, and to the widows thereof; and for the purpose of creating a special pension fund a state ad valorem property tax of seven cents per $100 valuation is authorized (Art. III, Sect. 51).[9] The legislature is empowered to fix the terms of all public school officials, including those of state institutions of higher learning, and the terms of members of the respective boards, not to exceed six years (Art. VII, Sect. 16);[10] and a state board of education is created (Art. VII, Sect. 8).[11]

Arkansas also adopted four amendments to its constitution. Certain salaries were fixed, payable monthly: governor, $6,000; attorney-general, $5,000; secretary of state, treasurer, and auditor, $4,000; and circuit court judges and chancellors, $3,600. The salary of members of the General Assembly is $1,000 for two years, except that the Speaker of the House of Representatives receives $1,100. In addition, all members of the General Assembly receive a mileage allowance of five cents for all sessions, and six dollars per day for special sessions (Art. XIX, Sect. 11).[12] In all jury trials and civil cases a concurrent verdict of nine of the twelve jurors is permitted (Art. II, Sect. 7).[13] County jails or court houses may be built if approved by a majority of the electors voting thereon, the cost to be defrayed by a tax levy not to exceed one-half of one per cent.[14] Voters in cities of the first class which are located in counties of not less than 105,000 population, may vote a special tax to secure the location and to encourage the operation of factories, industries, and river transportation therein.[15]

Louisiana, bisected by the arbitrary line of demarcation selected for this survey, kept company with the neighboring states of Texas and Arkansas by the favorable consideration of four amendments: one donating to the United States certain real estate for a Veterans' Hospital;[16] a second authorizing the board of levee commissioners of

[8] Yes, 205,398; No, 136,970.
[9] Yes, 248,581; No, 104,773.
[10] Yes, 192,660; No, 133,252.
[11] Yes, 185,423; No, 126,134.
[12] Yes, 94,528; No, 56,042.
[13] Yes, 101,890; No, 52,147.
[14] Yes, 98,649; No, 51,120.
[15] Yes, 99,649; No, 51,120.
[16] Yes, 61,541; No, 40,446.

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the New Orleans Levee District to finance reparation claims resulting from the diversion of flood waters in certain parishes;[17] a third permitting New Orleans to issue $9,000,000 in bonds for constructing and extending sewerage, water, and drainage systems;[18] and the fourth authorizing the legislature to postpone the payment of taxes in cases of calamity, meeting deficiencies in funds by bond issues or other measures (Art. x, Sect. 11).[19]

Kansas adopted two amendments, one permitting construction and maintenance of a state system of highways (Art. xi, Sect. 8),[20] and the other permitting the levy of special taxes on motor vehicles and motor fuels, the proceeds to be used for highway purposes (Art. ii, Sect. 9).[21] Missouri took steps to improve her highways by authorizing an additional bond issue of $75,000,000 therefor (Art. iv, Sect. 44a).[22] The people of Nebraska transferred jurisdiction over the Nebraska School for the Deaf and the Nebraska School for the Blind from boards of control to the Board of Regents of the State University (Art. iv, Sect. 19).[23]

A change was made in Sect. 179 of Art. xi of the fundamental law of North Dakota which deals with assessment of taxable property by the State Board of Equalization. The property of any person, firm or corporation used for the purpose of producing electric light, heat, or power, or the distributing of the same for public use, and the property of any other corporation, firm, or individual now or hereafter operating in the state and used directly or indirectly in the carrying of persons, property, or messages is now appended to the former list embracing express, freight line, dining car, sleeping car, car equipment, or private car line companies, and telegraph or telephone companies.[24]

A change was made in the local government system of Montana by dividing each county into three commissioner districts, the commissioners being elected for two, four, and six years respectively. At the conclusion of the initial term of each commissioner, biennial elections are to be held to fill the post (Art. xvi, Sect. 4).[25] Colorado has provided for legislative determination of the salaries of the governor, governor's secretary, and the judges of the supreme and district

[17] Yes, 55,419; No, 6,480.
[18] Yes, 51,729; No, 6,255.
[19] Yes, 57,285; No, 5,207.
[20] Yes, 493,989; No, 117,596.
[21] Yes, 444,806; No, 136,719.
[22] Yes, 670,279; No, 503,861.
[23] Yes, 240,995; No, 185,410.
[24] Yes, 63,568; No, 37,284.
[25] Yes, 97,752; No, 64,079.

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courts, with the limitation that no law shall extend the term of office or increase or decrease the salary of such officials during their tenure (Art. v, Sect. 30).[26] The electors of Arizona approved tax exemptions for widows of honorably discharged soldiers and sailors, and for army nurses.[27]

In the eastern part of the United States, Virginia approved the largest number of amendments. A general revision of the constitution is planned, excepting certain designated sections (81, 131, 145, 170, and 171), and omitting other sections (128, 148, 149, 150, 161, and 182) of the present constitution.[28] Art. XIII, Sect. 171, is changed to exempt from a state property tax for state purposes real estate or tangible personal property, except the rolling stock of public service corporations.[29] The governor's power of appointment is extended, for one term, to the filling of the offices of commissioner of agriculture and immigration,[30] superintendent of public instruction,[31] and state treasurer,[32] thereby amending Art. x, Sect. 145, Art. IX, Sect. 131, and Art. v, Sect. 81, respectively. After January 1, 1932, the General Assembly may provide the manner in which and the term for which these officials shall be selected.

Pennsylvania ranks second in volume of constitutional amendments, having adopted four. Courts of quarter sessions are given authority to divide or change the boundaries of election districts whenever the court of the proper county shall be of the opinion that the convenience of the electors, and other public interests, will be promoted thereby; and Art. VIII, Sect. 11, is modified so that it is no longer mandatory in cities of over 100,000 population to reconstruct districts containing more than 250 voters.[33] Tax laws may grant exemptions or rebates to residents, or estates of residents, of other states which grant similar rebates to residents, or estates of residents, of Pennsylvania (Art. IX, Sect. 16).[34] Voting machines are authorized, but not required, for elections and primaries throughout the commonwealth, at the option of the electors of counties, cities, boroughs, and townships. The General Assembly may prescribe the numbers and duties of election officers of the commonwealth in elections in which voting machines or other mechanical devices are used (Art. VIII,

[26] Yes, 134,724; No, 119,060.
[27] Yes, 30,208; No, 20,044.
[28] Yes, 74,109; No, 60,531.
[29] Yes, 69,034; No, 65,176.
[30] Yes, 75,160; No, 59,600.
[31] Yes, 68,756; No, 65,695.
[32] Yes, 68,665; No, 65,816.
[33] Yes, 540,613; No, 441,479.
[34] Yes, 489,237; No, 403,930.

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Sect. 7).[35] The consolidation of the county poor districts, cities, boroughs, and townships of the present county of Allegheny is authorized at the discretion of the General Assembly, which may endow the new municipal corporation, to be known as the City of Pittsburgh, with necessary constitutional and legal capacity (Art. xv, Sect. 4).[36]

Michigan prohibited the division of townships or cities in the formation of representative districts, except that when a city is composed of territory in more than one county, it may be divided at the county line or lines. In the case of cities hereafter organized or created, or territory annexed to existing cities, the territory affected is to remain in its existing representative district until the next apportionment (Art. v, Sect. 3).[37] In exercising the powers of eminent domain, and in acquiring property needed for the opening and widening of boulevards, streets, and alleys, municipalities shall not be limited to the acquisition of the land to be covered by the proposed improvement, but may take such other land and property adjacent thereto as may be appropriate to secure the greatest degree of advantage from public improvement. After the completion of the public enterprise, land found to be unnecessary may be sold or leased with or without restrictions. Such projects may be financed by bond issues; but such bonds are a lien only on the property so acquired, and may not be included in any limitations of the bonded indebtedness of the municipality (Art. xiii, Sect. 5).[38] The compensation of members of the legislature is fixed at three dollars a day during the term for which they are elected, instead of $800 per session as previously. The compensation provided in Art. v, Sect. 9, for extra sessions remains unchanged (Art. v, Sect. 9).[39]

In Rhode Island, provision is made for biennial registration for voting, the first registration period commencing on the first day of June, 1928, and ending on the last day of June, 1930 (Amendment xi, Sect. 11).[40] An additional senator is provided for any town or city having more than 25,000 qualified electors. For each 25,000 qualified electors or fraction exceeding half thereof, one additional senator is authorized, with the limitation that no town or city shall be entitled to more than six senators (Art. vi, Sect. 1).[41] Every citizen of the United States of the age of twenty-one years, who has had his residence

[35] Yes, 745,711; No, 348,328.
[36] Yes, 472,291; No, 433,677.
[37] Yes, 523,127; No, 386,673.
[38] Yes, 490,032; No, 412,928.
[39] Yes, 441,114; No, 417,419.
[40] Yes, 70,902; No, 13,546.
[41] Yes, 63,202; No, 19,754.

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and home in Rhode Island for two years, and in the town or city in which he may offer to vote for six months immediately preceding the election, has a right to vote in the election of all civil officers and on all questions presented in town or ward meetings if he or she registers before or on the last day of June. If the General Assembly vests authority to impose taxes and to spend money in any town or city in a budget commission, such commission shall consist of not less than five nor more than fifteen electors (Amendment VII, Sect. 1).[42] These three amendments are numbered consecutively 18, 19, and 20, and are appended to the constitution.

The electors of North Carolina also changed the basis of pay of members of the General Assembly, substituting a fixed sum or $600 per session for four dollars per diem. Additional compensation is provided for extra sessions. Presiding officers are allowed $700 per session instead of six dollars per day, with additional compensation for extra sessions (Art. II, Sect. 28).[43]

The legislature of Alabama is authorized to form, or provide for the formation of, drainage districts for establishing and maintaining drainage systems, assessing all or part of the cost thereof against the lands and properties in such districts to the extent of their increased value by reason of special benefits derived from such improvements. Financing through bond issues may be undertaken with or without an election. This amendment is retroactive and retrospective.[44]

The restrictions upon the passage of local or special legislation in Florida (Art. III, Sect. 21) have been changed by reducing the time of prior publication thereof from sixty days to thirty days, and by requiring affidavit of proof of publication attached to the proposed bill when the same is introduced in either branch of the legislature. This affidavit must be entered in full upon the journals of both houses immediately following the journal entry showing the introduction of the bill. Publication is not required when local or special laws contain a provision to the effect that they shall not become operative or effective until ratified or approved by a majority of the qualified electors participating in an election in the territory affected.[45]

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[42] Yes, 62,263; No, 20,107.
[43] Yes, 147,946; No, 147,734.
[44] Yes, 41,564; No, 41,216.
[45] Yes, 41,629; No, 31,487.

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Governors' Messages, 1929.[1] One could occupy one's self for a considerable time in attempting to work out a classification of governors' messages, but it is doubtful whether the effort would be well spent. There are wide differences among messages. Through one hundred sixty dull pages, Governor Small recounts the operations of the government of Illinois, offering much such material as: "Other improvements made at a cost of $18,490.00 are: Three frame dormitories to house fifty inmates each. Two barns. One root cellar. Garage. Additions to dining room and kitchen." Granting that such information is worth something as an indication of the details of state government and the concrete objects of expenditure, one may be permitted to question its inclusion in a governor's message as too literal an observance of a customary constitutional requirement. Governor Ritchie somewhat more moderately spreads a description of Maryland's government over ninety-eight pages. The Baltimore *Sun* thinks that he was stirred to this prolonged narrative of nine years' achievement by the recent disclosure of gross irregularities in road-building operations, and of lesser official and political mishaps. The governor considers that Maryland has all the law and machinery

[1] The governors' messages from all states in which the legislature meets regularly this year are reviewed, with the exception of Florida and Georgia, where the legislative sessions do not begin until April and June respectively. Not all retiring governors' messages have been secured. The messages of the following governors are included in the review: Harvey Parnell of Arkansas, John C. Phillips of Arizona, C. C. Young of California, William H. Adams of Colorado, John H. Trumbull of Connecticut, C. Douglass Buck of Delaware, H. C. Baldridge of Idaho, Len Small (retiring) and Louis L. Emmerson of Illinois, Ed Jackson (retiring) and Harry G. Leslie of Indiana, John Hammill of Iowa, Clyde M. Reed of Kansas, William T. Gardiner of Maine, Albert C. Ritchie of Maryland, Frank C. Allen of Massachusetts, Fred W. Green of Michigan, Theodore Christianson of Minnesota, Sam A. Baker (retiring) and Henry Caulfield of Missouri, J. E. Erickson of Montana, Arthur J. Weaver of Nebraska, F. B. Balzar of Nevada, Huntley N. Spaulding (retiring) and Charles W. Tobey of New Hampshire, Harry Moore (retiring) and Morgan F. Larson of New Jersey, Richard C. Dillon of New Mexico, Franklin D. Roosevelt of New York, O. Max Gardner of North Carolina, George F. Shafer of North Dakota, Myers Y. Cooper of Ohio, Henry S. Johnston of Oklahoma, I. L. Patterson of Oregon, John S. Fisher of Pennsylvania, Norman S. Case of Rhode Island, John G. Richards of South Carolina, W. J. Bulow of South Dakota, Henry H. Horton of Tennessee, Dan Moody of Texas, George H. Dern of Utah, John E. Weeks of Vermont, Roland H. Hartley of Washington, Howard M. Gore (retiring) and William G. Conley of West Virginia, Walter J. Kohler of Wisconsin, and Frank C. Emerson of Wyoming.

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that it needs, and that the test now turns on administration. One hundred and fifteen pages contain Governor Young's account of the organization and working of California's state government, written perhaps more readably than either of the other two and describing a complexity of structure and a ramification of activity that would move Thomas Jefferson to tears. At the other end of the scale appears Governor Dillon's inaugural of one page and message of three, almost equalled in brevity by Governor Leslie's seven and eight pages respectively in Indiana and Governor Roosevelt's eight and ten in the Empire State. Hardly a message shows the spirit and fire of leadership; several are prosy, routine, matter of fact, far from incisive, or even certain or positive, in tone; many, however, are probably fair examples of state executive performance. The executives in thirteen of the forty-one states covered are Democrats; the others are Republicans. It would be amusing, if not instructive, to try the ability of the members of the parties' national committees to select, let us say, the Democratic messages, in a "blindfold" test.

The following paragraphs are designed, not to present a synopsis of the two score messages reviewed, but only to call attention to unusual or significant comments and recommendations, and to give some indication of trends or tendencies.

Machinery of State Government. Administrative reorganization is stressed in a number of messages. Governor Young wishes to continue the California reorganization by combining some thirty-eight agencies and bureaus into three or four groups. The governors of Texas, West Virginia, and Wisconsin wish their states to fall into line by adopting the short ballot and a complete reorganization, with the governor as the apex of the system. The governors of Connecticut and Michigan praise their new budget systems, and those of Missouri, Wisconsin, and West Virginia stress the need for the adoption of a budget plan in their states, Governor Caulfield (Mo.) also recommending that, so far as possible, all appropriations be made in lump sums. The last three join with Governor Buck of Delaware in advocating centralized purchasing, and in Maryland, Montana, and New Hampshire the need for centralized accounting, or other means of more rigid fiscal control, is stressed. Governor Balzar of Nevada asks for a yearly inventory of all state property.

Governor Roosevelt (N. Y.) advocates the re-submission of ex-Governor Smith's proposal for a four-year term for governor, insisting, as did Smith, that the election take place in the middle of the national

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quadrennium. Governor Shafer of North Dakota asks for four-year terms for all state and county officers, and even longer terms for judges of the supreme court. The governors of Connecticut and Utah ask to be relieved from service on various state boards, in order to be free to devote all of their time to their other duties.

Nebraska is out of step with the general trend. The civil administrative code, the work of a Democratic administration, attempted to make the governor the real head of the administration without waiting for the amendment of the constitution. Governor Weaver advocates that the "code" offices be abolished and their functions returned to the constitutional officers. He has a good word to say, however, for the short ballot, but adds that "we do not have this system in Nebraska."

As usual, legislative organization and the technique of law-making come in for much less attention. Governor Richards of South Carolina once more advocates the substitution of biennial for annual sessions, repeating such standard arguments as the "uncertainty of legislative policy" not being conducive to business stability or confidence. Governor Kohler favors an increase in the salary of Wisconsin legislators. Governor Dern believes that Utah should join the ranks of the states providing expert assistance for their law-makers through a legislative reference bureau. He also feels that the legislature should pay more conscious tribute to the present-day legislative functions of administrative agencies by putting fewer details in the statutes, leaving them to be filled out by administrative regulations.

Governor Young advocates that all bills be prepared and printed in advance of the opening of the legislature, which would enable the first half of the California bifurcated session to be limited to about two weeks. Governor Adams states that the quality of Colorado statutes would be improved if the period of time allowed the governor to examine bills before signing them were increased.

Local Government. County government requires overhauling, at least in the minds of the governors of California, Iowa, Minnesota, Missouri, and New York. Governor Young recommends a greater degree of home rule for California counties, and Governor Green of Michigan favors city-county consolidation and the consolidation of sparsely settled counties.

Elections. The direct primary is defended by the governors of North Carolina and Utah, and Governor Reed recommends that Kansas adopt the presidential primary. On the other hand, Governor Leslie advocates that Indiana return to the convention system for

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all nominations. Governor Dern favors abolishing the use of the party emblem on the Utah ballot, and of all party designations in the case of judicial offices. New Mexico is advised to have entirely separate elections for judges. Governors Dern and Roosevelt advocate that state and national elections be separated so far as practicable. Permanent registration of voters is proposed for Missouri and Ohio, and the Empire State is advised to adopt the popular initiative and popular ratification of proposed amendments to the federal Constitution.

Corrupt practices legislation comes in for considerable attention. Governor Weaver of Nebraska asks that all candidates be required to file statements of expenditures. Governor Roosevelt advocates a limit on expenditures, and publicity before as well as after the election, and Governor Dern asks that the Utah law be strengthened in several particulars. Governor Kohler asks that all Wisconsin elections since 1924 be investigated to discover violations of law. Press comments have it that these are, indeed, to be found in the governor's own campaign.

Courts, Law Enforcement, Prison Administration. Governor Roosevelt demands that the New York legislature "simplify and cheapen justice," which he terms "our most expensive commodity." Governors Hammill of Iowa and Caulfield of Missouri stress the need for modernizing our archaic criminal procedure. The former also pays tribute to the Baumes law, and Governor Weaver asks for its consideration by the Nebraska legislature. The California governor's statements are of quite a different nature, stressing the benefits that have accrued from the work of the judicial council and the mobility of judges. Seven governors stress the need for greater effort in enforcing prohibition, and Governor Dillon recommends that New Mexico adopt a more effective enforcement statute.

Governor Trumbull (Conn.) recommends that the work of the state's attorneys be centralized under the attorney-general. Governors Christianson (Minn.) and Caulfield (Mo.) ask for at least a degree of control over local enforcement officers, preferably the power of removing derelict officials from office. Governor Moody of Texas takes occasion to point out the defects of the fee system, which he thinks might well be abolished.

Several governors make recommendations as to the use of prison labor. Governor Ritchie (Md.) fears that the federal law prohibiting interstate commerce in prison labor products will entail difficulties in the employment of Maryland prisoners.

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Taxation and Finance. The trend in taxation is definitely away from the property tax. Governors Reed of Kansas and Parnell of Arkansas suggest the abolition of the state property tax. Governor Baldridge suggests that the Idaho property tax be reduced, and Roosevelt in New York, Weaver in Nebraska, and Conley in West Virginia advise that the tax burden of the farmer be reduced. Governor Fisher recommends the repeal of the Pennsylvania tax on anthracite coal, which was originally adopted on the theory that the burden falls primarily on consumers in other states.

Further use of the income tax is commended highly in several states. Governor Green asks for an amendment to the Michigan constitution authorizing a temporary income tax to finance a building plan, and Governor Gore wants a similar amendment in West Virginia making the income tax a permanent feature. Governor Kohler thinks that the rate in Wisconsin should be reduced on moderate incomes. Governor Young (Cal.) considers that an income tax on corporations should replace the bank shares tax and the corporate franchise tax.

Few new sources of revenue are recommended. Governor Christianson of Minnesota feels that the states should be allowed to tax federal bonds and national banks. Governor Baldridge of Idaho suggests new taxes on the automobile, whereas Governor Dillon feels that the automobile is overtaxed, and should be exempted from the New Mexico property tax. Although it is Governor Bulow's opinion that a graduated income tax is most equitable, he advises an immediate redistribution of the tax burden in South Dakota by means of luxury, amusement, occupational, and sales taxes.

In their attempts to arrive at a rate base that will meet the requirements of recent Supreme Court decisions and still do justice to the public as well as to industry, our utility commissions have adopted quite different tests of "value" from those used by our assessors and boards of equalization. Governor Johnston of Oklahoma recommends that the rate base should also serve as the valuation of a public utility for purposes of taxation.

Several governors recommend the creation of a state tax commission; whereas from South Carolina comes Governor Richards' plea that the existing commission, having "developed into the greatest political machine ever connected with our state government," be abolished.

Highways. The car owner is being asked to pay more and more. Both retiring and incoming governors propose a gasoline tax in Illinois, one of the two remaining states not yet receiving revenue from

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this source.[2] Increases of one or two cents a gallon in the gasoline tax are specifically recommended in Indiana, Kansas, Minnesota, Montana, Nebraska, North Carolina, North Dakota, and Tennessee, and are hinted at in Pennsylvania. The governors of Maine, New Hampshire, Oklahoma, Texas, and Wyoming favor bond issues for road purposes, and Governor Christianson recommends that Minnesota refund the $33,000,000 county debt assumed by the state.

A redistribution of highway costs is favored in several states. Governor Roosevelt feels that the present distribution in New York falls inequitably upon the less prosperous rural communities and favors its apportionment upon the basis of the actual relative wealth of each community. In Pennsylvania and North Dakota more state aid to local units is suggested. Relief of localities from all or part of the maintenance cost is favored in New Hampshire, New York, and North Carolina, and Governor Cooper feels that Ohio should pay all of the bill for state highways, discontinuing the assessment of part of it upon adjacent property owners. The governors of Arkansas, Illinois, Iowa, Kansas, Nebraska, New Jersey, North Dakota, Ohio, and Wyoming recommend the construction or improvement of a secondary highway system of "feeder" roads, which should prove of great benefit to the farmer.

In Connecticut, Massachusetts, and Michigan the reëxamination of car owners at regular intervals is proposed, and the Illinois, Idaho, Nevada, and Tennessee governors advise the licensing of operators. In Connecticut and Iowa the need of uniformity in traffic rules is stressed.

Conservation, Power Development, Utilities. The legislatures in Connecticut, Indiana, Maine, Minnesota, Missouri, New Jersey, Ohio, Oklahoma, Oregon, New Hampshire, Pennsylvania, Vermont, West Virginia, and Wisconsin are asked to consider one or more of the following activities: purchase of lands by the state for parks or reforestation with popular recreation, timber culture, or regulation of stream flow in view; protection of forests from fire, tree diseases, and pests; prevention of stream or shore pollution; propagation of wild life.

"The title and constant control of power generated at the sources must remain indefinitely in the people and not be alienated by long-time leases," is sufficient to express Governor Roosevelt's attitude on power development. Governor Dern would have Utah follow a similar

[2] A three cent tax has since been adopted.

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policy. Governors Christianson (Minn.) and Gore (W. Va.) warn their legislatures of the need for recapture provisions in all leases or sales of power sites.

Governor Moody (Tex.) seems to be the only executive to refer specifically to the Federal Trade Commission's utility investigation. He finds that there is practically no effective regulation of the gas utilities in Texas, and he asks for legislation whereby the reductions in the cost of utility products will accrue to the public in rate decreases. Governor Kohler stresses the apprehension as to Wisconsin's lack of friendly feeling toward industry, and warns that government competition with business is "unfair, tends to socialism, and means more and higher taxes."

Education. The outstanding recommendations in the field of education deal with the inequality of educational opportunity as between urban and rural areas, and the inequitable distribution of the financial burden for school support. Increased state subsidies, consolidation of schools, and enlargement of the unit of administration are common suggestions in Arkansas, Arizona, Michigan, Missouri, New York, North Carolina, Oklahoma, Rhode Island, Texas, Vermont, West Virginia, and Wisconsin. Governor Bulow feels that public education in South Dakota is too expensive. Governor Caulfield recommends improved educational facilities, including a real university for the Missouri negro.

Labor. Curtailment of the abuses of the injunction in labor disputes is urged in Massachusetts, Nebraska, and New York. The enactment of workmen's compensation laws is urged in New Mexico and North Carolina, and the improvement of such laws is felt necessary in Iowa, Michigan, Montana, and Nebraska. Governor Young reports that the California experience conclusively shows that the claims of the opponents of the minimum wage law were not founded on fact, and Governor Roosevelt recommends the passage of such a law in New York. The latter also favors a real eight-hour day and forty-eight hour week, and the study of old age pensions. Governor Reed feels that it is not too late for Kansas to ratify the child labor amendment.

Governors Allen (Mass.), Buck (Del.), and Kohler (Wis.) desire public construction to be planned for times of depression, and suggest the collection of the necessary statistics on unemployment.

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Labor Legislation in 1928. Inasmuch as only nine states and two insular possessions held regular legislative sessions during 1928, the year's development of labor legislation was comparatively lean. Despite this, some laws of importance were enacted, particularly in the field of social insurance. Workmen's compensation, vocational rehabilitation, and old age pensions each shared in the general growth and expansion, to the ultimate advantage of both employer and employee. Too often labor legislation is thought of only as a benefit to the worker, whereas in many cases the status of the employer is also improved, and, finally, the community is relieved of an unwelcome charity burden.

Workmen's Compensation. Workmen's accident compensation was the first form of social insurance to be introduced widely in America, developing suddenly out of the far less effective system of employers' liability whereby the injured employee attempted to recover his losses by suing his employer. Such a procedure was apt to be highly expensive for the worker and the employer, since both were obliged to pay lawyers' fees, and, in addition, the employer ran the very possible risk of losing the suit and incurring heavy damages. The advantages of workmen's compensation over this system are manifold. The number of accidents tends to be lessened, because insurance costs are lower in the long run for firms which are equipped with satisfactory safety devices and appliances. Neither the employer nor the injured employee need alone bear the burden of the accident as formerly, but rather the expense is distributed evenly over the general consumers. Although in sections of Europe workmen's accident compensation was early put into practice, it was as late as 1911 that the first permanent American state compensation act went into effect, in New Jersey. During the following ten years the system spread rapidly throughout the United States.

Among the most important measures enacted during 1928 in the field of workmen's compensation was that of the District of Columbia. In 1927 Congress passed the Longshoremen's and Harbor Workers' Compensation Act, thereby bringing under compensation protection a third of a million men engaged in dangerous harbor work. In 1928 Congress put through an extension of this law relative to the District of Columbia, providing that the same compensation benefits should apply to all private employees in the District of Columbia, excluding seamen, railway employees in interstate commerce, and employees in agriculture, domestic service, and casual employment. Important

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provisions include a seven-day waiting period, all necessary medical care, the compensation of all occupational diseases, a two-thirds wage scale, and a $25 weekly maximum, with a limit of $7,500 on the total amount.

Several supplementary compensation measures enacted during the past year were of interest, especially that of Porto Rico. The earlier law was repealed and in modified form reënacted. The usual provisions were made; for the act is compulsory and applies to all employees except domestic servants and casual workers. Employees of the government and municipalities, except clerks, are covered. All necessary medical care and a seven-day waiting period are provided. The act is administered by an industrial commission of three members created in the department of agriculture and labor. New York's compensation act was also supplemented, mainly in respect to the extension of compulsory coverage to all employments in which four or more workmen are engaged. Meanwhile in New Jersey the weekly maximum compensation was raised from seventeen dollars to twenty and the minimum from eight dollars to ten. Only five states (North and South Carolina, Arkansas, Florida, and Mississippi) remain at present without workmen's accident compensation laws.

Vocational Rehabilitation. Another important branch of social insurance is vocational rehabilitation, which attempts, by means of medical and educational assistance, to reinstate the crippled workman in his own or some other form of productive employment. The advantages of such a procedure for the employee are self-evident, to say nothing of the benefits accruing to the employer, who no longer is required to pay out large sums of money to his disabled workmen; for, as in the case of accident compensation, here also the burden of rehabilitation is shared by the general consumers. The community as a whole may find this process temporarily expensive, but eventually the expenditure is amply justified, for it is far more economical for a community to aid temporarily an incapacitated member than to support him and his dependents permanently as public charges. Vocational rehabilitation was introduced late, and it was not until 1920, when the federal-state plan was adopted by Congress, that the development throughout the country became extensive. The year 1928 saw the enactment of relatively few measures of importance in this field, though in New Jersey an act of some interest was concerned with the redefining of a "physically handicapped" person as some one incapacitated for education as well as for remunerative occupation. This includes all

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persons, instead of, as formerly, only those over sixteen years of age. Seven laggard states still neglect the important possibilities of federal-state coöperation in rehabilitation work. They are Connecticut, Delaware, Kansas, Maryland, Texas, Vermont, and Washington.

Old Age Pensions. Old age pensions for private employees, a sadly neglected thing in the United States, have at present been introduced as a public policy in only six states (Montana, Nevada, Colorado, Kentucky, Wisconsin, and Maryland) and in Alaska. Even more shocking are the international statistics which group the United States, China, and India as the only three heavily populated countries remaining without this important form of social insurance. There are, of course, alternatives to the pension system, such as charity in the shape of institutional care, a procedure often disagreeable to the aged and burdensome for the community.

During 1928 a public bequest commission was organized in Massachusetts. A public bequest fund consisting of bequests and gifts to the fund was established and put under the commission's control. When the fund's principal amounts to $500,000, the commission, with the governor's and council's approval, may distribute the fund's income to needy and worthy women sixty years of age and over and to men sixty-five and over. New York State, in 1926, enacted a law authorizing a joint legislative committee to investigate the condition of the aged poor, with the ultimate purpose of devising a state policy and recommending legislation for carrying the same into effect. The appropriation was $5,000, which was repeated in 1927. A new law was put into effect in 1928 allowing the joint legislative committee to continue its study until March 1, 1929, with a doubled appropriation. Likewise the state commissioner of finance in Rhode Island was directed to investigate the general subject of old age dependency and the various state old age pension systems with a view to their practical adaptability in Rhode Island. As regards pensions for public employees, Kentucky established a state teachers' retirement system, to be administered by the state board of education. Funds are to include moneys provided by the state, two and one-half per cent of the members' salaries, and an equal contribution by their employers. Specific and minor laws relating to teachers' pensions were enacted in Mississippi, New Jersey, and Vermont.

Employment. The important legislative developments in the field of employment during the past year were mostly concerned with the question of private employment offices. Special interest in this

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subject resulted partly from the Ribnik case in New Jersey, May 28, 1928 (Ribnik v. McBride, 48 Sup. Ct. 545), which arose over the refusal of Commissioner McBride of the New Jersey department of labor to grant a license for a private employment office, on the ground that the fees proposed to be charged were excessive. The U. S. Supreme Court judged this procedure unconstitutional inasmuch as such action conferred "upon the commissioner of labor the power to fix the prices which the employment agent shall charge for his services." Following this, New Jersey made several amendments to the law regulating private employment agencies, stating that the furnishing of food, supplies, tools, or shelter to laborers in connection with the promise or offer to provide employment or help violates this act. In addition, all violations of the established provisions regarding licenses and advertisements are to be punished by fine or imprisonment. If after due investigation it appears that additional agencies are not needed, licenses may be withheld. Applicants for licenses, in addition to existing requirements, including proof of good moral character, must furnish proof of citizenship in the United States. In Louisiana the commissioner of labor was authorized to supervise the work of labor agents and employment bureaus, and to levy on them an annual tax of $500. An important act of the United States as regards employment legislation directed the Secretary of Labor to investigate, compute, and report to the Senate the extent of unemployment, and also the method whereby frequent periodic reports and permanent statistics of unemployment may be made.

Safety and Health. Decidedly to the advantage of the employer is the satisfactory protection of the health and safety of his workmen, for it is more or less inevitable that men working under sanitary and safe conditions are able to do higher grade work than those employed in dirty, poorly-ventilated workrooms. Various safety measures were put into effect throughout the country during 1928, such as that of Kentucky regulating polishing and grinding machinery with an eye to protecting the worker. Of more interest were the safety regulations enacted in reference to mining. The Kentucky law was repealed and reënacted, now providing that only competent engineers may be in charge of engines used for lowering employees into or hoisting them out of coal mines. At the same time Congress enacted a law directing the Senate committee on interstate commerce to investigate conditions in the coal fields of Pennsylvania, West Virginia, and Ohio, especially in regard to injunctions issued, eviction of miners and families from their homes, and abrogation of wage contracts.

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Child Labor. Legislation relating to child labor made some progress during the year, particularly in the District of Columbia, where a law was enacted providing for the exclusion of children under fourteen from gainful occupations and regulating the hours and working conditions of minors. Similarly, New York prohibited children under fourteen from working in any trade, business, or occupation carried on for pecuniary gain, and Rhode Island also regulated the hours and the types of employment for minors.

Mechanics' Liens. The so-called mechanics' lien laws aim to protect the worker by permitting him to sue for his wages against the value of the building or land on which he is employed. In 1928 Louisiana extended the mechanics' lien to well-workers and those employed in building, street, railroad, and ditch labor. New Jersey authorized the appointment of a joint commission to revise the present mechanics' lien law; while Mississippi, New York, South Carolina, and Virginia adopted amendments to existing laws.

Administration. In the field of administrative legislation several measures were introduced, such as the abolition of the Kentucky child welfare commission. In its place a children's bureau was created, the functions of which include the supervision and control of the administration of mothers' aid and the investigation of the needs of Kentucky children. In New York the penal law was amended to include among misdemeanors a violation of or non-compliance with any rule, regulation, or order of the Department of Labor; and the Industrial Survey Commission, organized in 1916, was continued until March 1, 1929, with an additional appropriation of $30,000.

This brief survey of the labor legislation of 1928 has concerned itself only with the most important laws. Certain highly specific and minor measures have been omitted as of insufficient general interest. It is evident, even from this brief discussion, that the main trend of 1928 labor legislation was in the direction of extending and liberalizing social insurance and strengthening public control of private employment agencies.

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Recent Radio Legislation. *International.* The most important recent international radio legislation is the International Radiotelegraph Convention and the General and Supplementary Regulations

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attached thereto, which became effective January 1, 1929.[1] By March 1, 1929, ratifications had been deposited in the Department of State on behalf of twenty-five administrations.

Article 5 of the General Regulations provides an allocation of frequencies among services. Countries whose radio services might interfere with each other were expected to apportion among themselves the frequencies allocated to various services. On January 21, 1929, a conference composed of delegates of the United States, Canada, Newfoundland, and Cuba met in Ottawa to discuss the allocation of radio channels on the North American continent. Mexico was invited, but declined to send delegates. The basis upon which the delegations arrived at a conclusion was that all nations have a right to the use of every radio channel, but that special arrangements are essential to minimize interference. A radio frequency standard was provided for and the percentage of permitted variation therefrom for various types of stations established.

Altogether, 639 separate channels were allocated among services. By taking advantage of the fact that certain frequencies do not normally cause interference at great distance, it was possible to assign a grand total of 704 channels. Of these, 190 were devoted to the mobile services, 134 to amateurs, 84 to experimental visual broadcasting, 3 to experimental purposes, and 228 to general communication services. As a result of the assignment of the general communication channels, the United States obtained 112 channels for exclusive use and 34 shared with other countries, Canada 38 exclusive (except shared with Newfoundland) and 48 shared, Newfoundland 17 shared, Cuba 5 exclusive and 15 shared, and other nations 8 exclusive and 16 shared.

The agreement went into effect March 1, 1929, and is to remain in force until January 1, 1932, and thereafter for an indeterminate period and until one year from the day on which a denunciation thereof shall have been made by any one of the contracting parties.[2] A European conference for similar purposes has been called to meet at Prague from April 4 to April 13, 1929. The principal subject to be discussed is the allocation of frequencies for European broadcasting and for communication purposes.[3]

[1] For a brief discussion of these documents and the conference which drafted them, see "The International Radiotelegraph Conference of Washington," *American Journal of International Law*, vol. 22, p. 28 (January, 1928).

[2] State Department press release, February 28, 1929.

[3] State Department press release, January 15, 1929.

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On January 12, 1929, the United States and Canada reached an agreement, effective as of January 1, 1929, regarding types of messages between the two countries which might be handled by amateurs. The arrangement permits private experimental stations to handle messages which would not normally be sent by any existing means of electrical communication (tolls may not be charged), messages from radio stations in isolated points not connected by any regular means of electrical communication, and messages originating in emergencies where the regular electrical communication systems have been interrupted. The arrangement may be terminated by either government on sixty days notice to the other government, or by the enactment of legislation in either country inconsistent with it.[4]

The International Telegraph Conference which met in Brussels from September 10 to September 22, 1928, devoted its entire time to the problem of code language, which is of interest in radio communication as in wire communication. The protocol adopted by the Conference permits the use of ten-letter code words with a stated relationship between vowels and consonants at full rate, and of five-letter code words at a reduced rate. October 1, 1929, was set as the date on which the new regulations are to become effective.[5]

National. The Radio Act of 1927 is the only comprehensive enactment since the development of broadcasting.[6] Among other things, the act provided for the creation of a Federal Radio Commission composed of five members. The first commissioners were to be appointed for the terms of two, three, four, five, and six years, respectively, from the effective date of the act, and their successors were to be appointed for terms of six years. The commission was given broad power to control the various phases of radio. After one year from the first meeting of the commission, most of its administrative duties were to be vested in and exercised by the Secretary of Commerce, the commission continuing largely as an appellate body. A salary of $10,000 for the first

[4] State Department press release, January 18, 1929.

[5] The protocol and the report of the American delegation to the Conference are contained in a State Department press release of October 18, 1928.

[6] Public No. 632, 69th Congress. For an excellent discussion of the 1927 and earlier federal legislation relating to radio, see an article by Frederic P. Lee on "Federal Radio Legislation" in *Annals of American Academy of Political and Social Science*, vol. 142, No. 231 Supplement (March, 1929). The same volume contains an interesting article by O. H. Caldwell, a member of the Federal Radio Commission, on "The Administration of Federal Radio Legislation."

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year of their service and thereafter compensation at the rate of $30 per day for each day's attendance upon sessions of the commission, or while engaged upon work of the commission, was provided for each member. The act restricted the term of licenses for the operation of broadcasting stations to three years and for other classes of stations to five years.

An act approved March 28, 1928,[7] continued in the commission until March 16, 1929 (two years from the date of the first meeting) all the powers and authority vested in it by the original act. The annual salary of $10,000 was continued for the same period. It was provided, however, that the term of office of all commissioners should expire on February 23, 1929 (two years from the date of approval of the 1927 act), and that thereafter the commissioners should be appointed for terms of two, three, four, five, and six years, respectively, as provided in the 1927 act. The 1928 act provided that prior to January 1, 1930, the licensing authority should grant no license for a broadcasting station for a longer period than three months and for any other class of station for a longer period than one year. The last section of the 1928 act, differing from the temporary nature of the other provisions, embodied the so-called Davis amendment requiring equality of radio broadcasting service among the five zones.

The second session of the Seventieth Congress was requested to continue the original jurisdiction of the commission for another year; and the House passed a bill continuing that jurisdiction until March 16, 1930. A filibuster in the Senate by Senator Copeland during the last days of the session forced the acceptance of December 31, 1929, as the date on which the original jurisdiction of the commission should cease. In this form the measure was signed by the President on March 4. The most important effect of the altered date is that it will force the new Congress to consider the problem of radio legislation earlier than it otherwise would have been obliged to do.

The Copeland amendment did not touch the provision for compensation contained in the House measure; so that the salary of $10,000 a year is to continue until March 16, 1930. The 1929 measure follows that of 1928 by providing that the terms of the commissioners shall expire on February 23, 1930, and that thereafter the commissioners shall be appointed as provided in the 1927 act. The new law continues until January 1, 1931, the 1928 restriction upon the length of time for

[7] Public No. 195, 70th Congress.

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which station licenses may be granted. The only new provision of the act is that authorizing the commission to pay its general counsel a salary of $10,000 a year and three assistants to the general counsel $7,500 each. The Comptroller-General had ruled that the maximum salary that the commission might pay its counsel was $6,500 a year. Congress thought that the importance and difficulty of the legal questions involved in the regulation of radio warranted the payment of the higher salary.

Another important, though non-controversial, measure relating to radio passed by the second session of the Seventieth Congress (Public No. 793, 70th Congress) was that authorizing the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station. A Senate resolution (S. Res. 351) presented and passed on March 2, 1929, paves the way for a new departure in the regulation of radio transmitting stations. It requests the Radio Commission to formulate a schedule of fees to be recommended to Congress as the charges which should be made for the different kinds of radio licenses issued by the commission, and to report the same to the Senate for its consideration in connection with radio legislation at as early a date as convenient.

The most comprehensive radio bill introduced in the second session of the Seventieth Congress died in committee. It was S. 5104 providing for the creation of an independent establishment to be known as the Federal Communications Commission and to have the power to regulate and control the transmission of intelligence by telegraph, telephone, cable, and radio, and of common carriers engaged in such transmission.

State. Until very recently there has been no state legislation worthy of note on the subject of radio. In the radio act of 1927 Congress occupied the field in such a manner that general state legislation on the subject runs the risk of conflicting with the national provisions.[8]

A few states, however, touch some of the incidents of radio in their legislation. Thus the Illinois legislature has defined and provided a punishment for slander over, through, or by means of radio (Laws, 1927, p. 406). Indiana has authorized the state fire marshal to promulgate rules and regulations for the keeping, use, manufacture, sale, etc.,

[8] The Federal Radio Commission's release number 561, February 20, 1929, contains a digest of state and municipal radio regulations.

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of "radio wires and wiring, connections, appliances, and things connected therewith, and radio aërial wires and wiring, and the proper connections, insulation, use and location of the same" (Acts, 1927, c. 115). Pennsylvania has provided that the rental of radio facilities may be included in nomination and election expenses (Laws, 1927, c. 233).

More comprehensive regulations have been adopted by Maine, Michigan, and Nevada. The Maine statute (Laws, 1927, c. 215) prohibits the use of any radio receiving set which radiates radio waves between 200 and 550 meters in length, thereby causing interference with the reception of any other radio receiving set. The act further provides that whoever knowingly, maliciously, or wantonly by any means unreasonably disturbs the reception of radio waves between 200 and 550 meters in length used for radiotelephony shall be subject to a fine.

The Michigan statute (Acts, 1927, c. 131) authorizes the state public utilities commission to make regulations to prohibit interference in radio reception caused by simultaneous broadcasting of two or more radio stations within the state, or where broadcasting originates within the state but the station is located outside thereof. The commission is authorized to prescribe and enforce a time schedule for operation of broadcasting stations so as reasonably to prevent interference, and also to make reasonable rules and orders prohibiting the use of such receiving instruments as cause interference in radio reception. Violations of the act and of the commission's orders are made criminal. Apparently recognizing the possibility of conflicts between state and national regulations, the act continues: "It is the intention of this act to make reasonable state regulations within the power of the state to control interference caused within the state of Michigan, and no order shall authorize the doing of anything in contravention to the regulations of the United States."

The Nevada act (Statutes, 1928, c. 28) is the most comprehensive measure thus far enacted by a state. In effect, it declares radio broadcasting, transmission, or reception to be included in the term "public utility," and confers upon the public service commission the same powers with respect to the regulation of radio as the commission possesses over telegraph, telephone, power and light, and other public utilities. If the commission exercises the full powers attempted to be conferred upon it, conflict with the federal radio act of 1927 seems invitable.

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PUBLIC ADMINISTRATION, 1928

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Steady progress in the improvement of the processes of public administration marked the year 1928, but possibly of even greater significance has been the development of research interest in administrative problems by organized bodies of public officials. The greatest hope for realization of higher standards of performance necessarily lies in the body of officials who are responsible for the conduct of public business, and their new interest in research as a means of discovery of improved methods is of great significance. Among the groups of officials who are breaking new ground in this direction are the International Association of Chiefs of Police, the International City Managers' Association, the reorganized Civil Service Assembly, and some state leagues of municipalities. The appointment of four research fellows by the New York State Tax Department is also full of interest. Specific reference to some phases of their work will be made in the following paragraphs.[1]

Academic interest in research in this field has also been exceptional. During the year Dr. W. F. Willoughby prepared for the Policy Committee of the American Political Science Association a survey of the institutions carrying on studies in public administration, and during the year also the Problems and Policy Committee of the Social Science Research Council appointed a special Advisory Committee on Research in Public Administration, the chairman of which is Professor Leonard D. White, of the University of Chicago. Other committees of the Social Science Research Council also have dealt with special phases of administration, especially the Advisory Committee on Industrial Relations and the Advisory Committee on Social and Economic Research in Agriculture.

Administrative Reorganization. The election of Governor Kohler in Wisconsin initiated a thoroughgoing revision of the state administration, which will be developed in 1929. The Milwaukee Bureau of Municipal Research is advising the governor.

[1] This survey continues a venture initiated a year ago in this *Review* (vol. 22, pp. 339–348). The author is again heavily indebted to correspondents for assistance; and it may not be invidious to state that Professor Walter R. Sharp generously contributed the paragraphs on French administration.

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Further steps were taken in Virginia to complete the reorganization which has been in progress for two years. The Administrative Reorganization Act became fully effective on March 1, 1928; and a series of constitutional amendments were adopted which go far toward completing the work. Meanwhile the problem of reorganizing county government in Virginia is being given careful attention.

The comprehensive study of Griffenhagen and Associates, Ltd., of the entire administrative structure of the state government of Ohio, on which a considerable staff has been engaged for over a year, has recently been brought to a close with the publication of the report of the Joint Legislative Committee on Economy in Public Service for whose purposes the study was made. The seven units of this report deal, respectively, with general administration, finance and taxation, agriculture, education, public welfare and health, commerce and industry, and public works and highways. A legislative program based on the recommendations of the report is now being pressed in both houses of the legislature.

The two-year program of installation of modern and effective systems of accounting and financial control for the state of Connecticut is approaching completion. Detailed standard practice instructions have been issued covering every point of procedure, for the guidance of all administrative officials and employees dealing with accounts. A new biennial budget has been prepared, utilizing vital financial information now available for the first time in producing a balanced budget, closely fitted to the actual requirements.

Perhaps the most significant development in county government is now occurring in North Carolina. Legislation of 1927 reorganized the form of county government and authorized the appointment of a county manager, established a budget and imposed a new system of fiscal control centering in the county accountant, regulated the issue of bonds, improved the methods of collecting taxes, and established a county government advisory committee. The report of this committee for 1928 reveals remarkable progress in the renovation of county administration, especially in the counties which have appointed managers. A comprehensive study of this situation is Paul W. Wager's *County Government and Administration in North Carolina* (University of North Carolina Press, 1928).[2]

[2] Reviewed in this journal, vol. 23, p. 207 (Feb., 1929).

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No progress can be noted during 1928 with respect to the reorganization of the federal administration, although as a result of the election it seems more likely that decisive steps will soon be taken. In this connection a number of experts have been meeting in Washington during 1928 under the chairmanship of W. F. Willoughby and have prepared a comprehensive bill for a department of administration, including the present Bureau of the Budget and coördinating committees, the Civil Service Commission and a personnel director, the General Supply Committee, and the Personnel Classification Board.

Speaking broadly, the movement for reorganization of the state governments seems to have slowed down, possibly to have spent itself, leaving many state governments still in an archaic condition. A recent decision of the supreme court of Minnesota confirms a general reluctance of the courts to allow wide latitude to agencies of general fiscal control (State ex rel. University of Minnesota v. Chase, State Auditor, not yet reported). The resistance of the state universities to a system of state fiscal control, based on lack of faith in the ability or good motives of state officials, is an indication that the reorganization movement has not yet completely rehabilitated the prestige of the state government. The next step in the reconstruction of the administrative system of the state has not defined itself; nowhere is there discussion of a "local government board," or some adaptation of the Continental type of state-local administration, or even of such less radical but difficult steps as the effective correlation of the local administrative systems each with the other, except in so far as regional planning is dealing with certain contiguous areas. The continued vitality of the city manager movement may indicate that state government will experiment in the next decade with a state manager.

Personnel Administration. The year 1928 witnessed some spoils scandals of the worst order, in which all sense of public decency was cast aside (cf. Sanitary District of Chicago, police scandals in Philadelphia, and contract graft in New York), as well as some notable applications of intelligent and far-seeing concepts of staff management. Some of the best work now being done is carried on in Cincinnati by R. O. Beckman, personnel director appointed by the city manager, Colonel C. O. Sherrill. Many interesting experiments are being made toward building up the morale of the force by developing means of recognition of meritorious work, by cultivating the social life of employees, and by capitalizing the values of an honest employment situation, as well as by instilling a respect for public employment.

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In the field of test construction the research division of the U. S. Civil Service Commission and the Bureau of Public Personnel Administration have continued their pioneer work. During 1928 the program of the research division of the Civil Service Commission included study of the technique of character investigations, of oral examinations, including the training of oral examiners, and of methods of examining engineers. The Society for the Promotion of Engineering Education and selected engineers are coöperating in the last phase of the program.

The Bureau of Public Personnel Administration published tests for food inspector, rodman, blacksmith, cottage master and cottage matron, storekeeper, addressograph operator, housekeeper, and baker. It also published a proposed set of standard rules for a civil service commission, and general surveys of personnel work in Cincinnati, Cleveland, and Detroit (*Public Personnel Studies*, vol. 6, pp. 81–89, 158–166; vol. 7, pp. 2–7).

The proper organization of the personnel agency is still the subject of discussion and experimentation. An attempt to introduce in Cook county, Illinois, an independent commission along lines suggested by the National Municipal League in 1924 failed because of opposition of the county board, but secured the support of the newly elected board of trustees of the Sanitary District. At the time of writing, the bill is pending in the Illinois legislature. The city managers distinctly prefer a personnel director who is a regular member of the official cabinet. The proposed federal department of administration referred to above includes a director of personnel.

The passage of the Welch bill has initiated the long delayed reclassification of the field service of the federal government. Reclassifications are also under way in the state services of Wisconsin and Connecticut. Meanwhile the Civil Service Assembly and the Bureau of Public Personnel Administration have initiated a new series; *Technical Bulletin* No. 1 is entitled "Classification and Compensation Plans." There still is little effort to relate the recruitment system to the country's educational system, as in Great Britain, and one finds little discussion of the relative merits of recruiting on the basis of general mental ability as compared with special aptitudes.

Reference to the reorganization of the Civil Service Assembly is made in another section. Attention may be called here to the growing tendency on the part of civil service commissioners to recognize the value of persons trained in preparing and evaluating tests and in

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statistics. The civil service commissions of San Diego, Cincinnati, Milwaukee, Detroit, New Jersey, Maryland, Rochester, and the United States have added, or are about to add, such persons to their staffs.

A different approach to the problem of personnel is found in the interesting series of articles published in the *National Municipal Review* during 1927 and 1928, entitled "Our American Mayors." These lively descriptions of our municipal executives deserve to be bound in a separate volume.

Police Administration and the Administration of Criminal Justice. During 1928 the commissioners of public safety of Philadelphia and the police commissioners of New York and Chicago were displaced, leading to renewed headquarters activity in our three largest cities. In Chicago the police commissioner invited the University of Chicago, Northwestern University, the Institute of Criminal Law and Criminology, and the Chicago Crime Commission to make an impartial and systematic study of the department. A committee was organized and the preliminary steps are being taken.

The most significant event in the police world is the appointment of the Uniform Crime Records Committee by the International Association of Chiefs of Police, and the retention of Mr. Bruce Smith, of the National Institute of Public Administration, to develop a modern system of record keeping. Substantial progress was made during the year, leading to the publication of *A Guide for Preparing Annual Police Reports.* A tentative classification of offenses has also been issued and the coöperation of many cities secured. The research will be completed in 1929.

Important developments have also taken place in police training. The state of New York has been divided into eleven zones for training purposes, one municipal police school in each zone being designated as the training center. A uniform curriculum has been developed. In New Jersey the state police school has been thrown open to municipal police, and rapid development of a training program is anticipated. Professor Barry, of the University of Wisconsin, has initiated certain work in Wisconsin. These experiments in the field of police administration suggest at once their repetition in other fields; there should be similar schools for such specialized fields as fire fighting, street cleaning, factory inspection, sewage disposal, assessment of property and special assessment procedure, public accounting, and the like. In fact, a fire training school has been established at the University of Minnesota,

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and a significant program of university and practical training is being developed at the University of Cincinnati.

The Detroit police department is continuing its intelligence tests of probationary policemen, and is comparing them with the ratings made by superior officers. Here, as in Cincinnati, the results have thus far been disappointing. The use of the radio in connection with scout cars has been brought to mechanical effectiveness. Detroit has a number of cars so equipped, which makes it possible for them to be in constant touch with orders from headquarters. As a result, a number of sensational arrests have been made. The police force of Berkeley, California, has done much experimental work with radio intercommunication and is fully equipped.

Professor Raymond Moley has been conducting a study of methods of formal accusation in criminal prosecutions, sponsored by the Social Science Research Council and supported by the Legislative Drafting Research Fund of Columbia University. The investigations of the Illinois Association for Criminal Justice were completed and are about to be published. Professor Frederic A. Thrasher initiated a three-year study of the influence of boys'-club work in New York in relation to juvenile delinquency, which seeks to reveal so far as possible the causes and means of control of incipient criminality. "A Study of Crime in the City of Memphis, Tennessee," by Judge A. A. Bruce and T. S. Fitzgerald, was published in the August, 1928, issue of the *Journal of the American Institute of Criminal Law and Criminology*.

The year 1928 is notable also for the inauguration of *The Police Journal*, "a quarterly review for the police forces of the Empire, issued under official patronage," published by Philip Allan, Quality Court, London. Although this magazine is written primarily from the point of view of the British Empire, it has a universal interest because of such articles as "Recent Medico-Legal Research in the Examination of Blood Stains and Hairs," "Mechanical Aids for Traffic Control," "Toxicology and Crime," "The League of Nations and the Suppression of Currency Counterfeiting," "Police and Public: A New Test of Police Quality," and the like. Stirred by the Savidge case and by a current of unrest in the public mind, the English government appointed a royal commission on police which is now making a thorough study of the English police system.

Public Finance. There is continued activity in long term planning for capital expenditures. The development of this movement is traced in C. E. Rightor, "The Preparation of a Long Term Financial Program"

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(*Municipal Administration Service*), and George S. Ford, "Can a City Plan Serve to Reduce Taxes or Debt?"—a paper read before the 1928 Conference on City Planning. The voters of Wayne county, Michigan (Detroit), have approved a ten-year program of institutional improvements, and the governor of Michigan has recently submitted a ten-year building program for state institutions, totalling $54,000,000.

The Cincinnati financial program is unique, because it includes the needs of the city, school system, and county. Providence, R. I., has a $44,000,000 street opening and widening proposal; long term proposals are also being considered in Syracuse, Schenectady, St. Paul, San Diego, Santa Paula, Buffalo, Trenton, White Plains, N. Y., Dallas, Rye, N. Y., and Milwaukee. In Chicago the president of the county board has appointed a committee to develop a coördinated financial program.

Special assessment procedure is engaging much attention. Mr. Philip H. Cornick, of the National Institute of Public Administration, is completing an extensive study of the subject; the New York State tax commissioner has added a full time staff member to deal with it; and the Detroit Bureau of Governmental Research is making special studies.

A citizens' committee has completed an important study of general property assessment in Cook county, Illinois, where the 1927 quadrennial assessment was demonstrated to be so faulty that the state tax commission issued an order to reassess. The financial situation of the county and other local government bodies has been thrown into great confusion, but public interest has been focused to an unusual degree on this problem. *Municipal Administration Service* has issued "The Appraisal of Urban Land and Buildings," by C. E. Reeves.

The Local Community Research Committee of the University of Chicago has undertaken a long time study of public finance in the state of Illinois and its subdivisions, with Dr. S. E. Leland in charge. The first unit, which will be completed in 1929, is an analysis of state revenue and expenditure from 1820 to date. During the year the Chamber of Commerce of the United States has continued its interest in taxation and finance, publishing reports on federal tax revision, revision of postal rates, and state and local taxation.

The model gasoline tax law drafted by the North American Gasoline Tax Conference stressed the administrative problems involved in the collection of this tax.

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In August, 1928, the National Tax Association, composed of tax officials and others interested in taxation, held its annual meeting in Seattle. During the sessions of this conference administrative officials from a number of states organized the Association of States on Bank Taxation for the purpose of inducing Congress to amend Section 5219 of the Revised Statutes relative to the taxation of national banks. The states composing this association have a common interest in the amendment of that tax law. In October, the North American Gasoline Tax Conference, composed of taxpayers and of officials engaged in the administration of gasoline taxes, met in Memphis. This was the third conference on the subject, and it appears to be but one of a series of tax conferences which tax officials have been developing to facilitate the administration of single types of tax laws and to secure more uniformity in the provisions of the various state enactments. In November, the New England States Tax Officials' Association met in Bridgeport in its sixteenth session. During the year special tax commissions were at work in a number of states, including Arkansas, California, Illinois, Iowa, and North Carolina. The reports submitted in California and North Carolina are distinct contributions to the literature in the field of government finance.

The Council-Manager Movement. Among the significant contributions to public administration in 1928 is the completion and publication in mimeograph form of a *Manual of Administrative Practice for the City of Berkeley, California*, by City Manager John N. Edy. This is a notable statement of administrative practice by a very successful manager. It is to be hoped that other municipal executives will be prompted to write down their methods of conducting public business, for a series of such reports would be of very great value.

Twenty-four cities adopted the council-manager form of government during 1928, including Fall River, Mass., Wichita Falls, Tex., and St. Joseph, Mich. Two cities abandoned this plan, i.e., Albion, Mich., and Highland Park, Tex. The charters of three Kentucky cities which approved the plan in the fall elections, Covington, Lexington, and Owensboro, have been endangered by a court decision. The official list, dated February 1, 1929, shows 401 council-manager cities.

An excellent contribution to the literature of the movement is found in the *Iowa Journal of History and Politics*: "The City Manager Plan in Iowa," by John M. Pfiffner. A valuable critical survey of five years' experience of the council-manager plan in Cleveland is found in *Greater Cleveland*, the organ of the Cleveland Citizens' League, for January 19, 1929, and reprinted as a supplement to the *National Municipal Review*.

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At the annual convention of the International City Managers' Association steps were taken to change the location of the secretariat. Arrangements have been completed by which the secretariat will move to Chicago, where an affiliation will be established with the University of Chicago. Dr. Clarence E. Ridley, former city manager of Bluefields, West Va., and at present connected with the National Institute of Public Administration, will become the secretary of the Association, and has been appointed associate professor of political science in the University of Chicago. The Association retains its full independence under the new arrangement. At the same meeting the Association placed its research committee on a permanent basis and took steps to develop a substantial research program. A unit will be undertaken in coöperation with the Local Community Research Committee of the University of Chicago.

Administration of Election Laws. No outstanding events are to be chronicled in this field for 1928. Movements are on foot to secure the adoption of permanent registration, based upon the report of the National Municipal League, in Pennsylvania, Ohio, Indiana, Michigan, Missouri, and California. A permanent registration act in Kentucky was vetoed by the governor.[3]

Public Welfare Administration. Even a very imperfect summary of this important field would note the initiation of a nation-wide study of child welfare work of state departments of public welfare by the Children's Bureau (Dr. Marietta Stevenson); the continuation of the study of the reporting and statistical services of welfare agencies by the Russell Sage Foundation (Dr. Ralph. H Hurlin) and by the Local Community Research Committee of the University of Chicago (Mr. A. W. MacMillen); the completion of the Cook County Criminal Court and Jail; the development of significant housing projects by the Rosenwald Foundation (for colored tenants) and the Marshall Field Estate in Chicago, and by the City Housing Corporation at Radburn; and the establishment of the important Committee on Cost of Medical Care, Dr. R. L. Wilbur, chairman.

In the special field of public welfare, the field covered by the older terms "charities and corrections" and "child welfare," there is relatively little to report. Kentucky abolished the child welfare commission which had been created in 1922, created a permanent children's bureau, and authorized the creation of a children's bureau in each

[3] Also in Indiana in March, 1929.

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county; authorized the establishment of a mothers' aid fund in each county, to be administered by the children's bureau; made an appropriation for the state bureau and authorized levies by the counties for the mothers' aid funds (Kentucky Acts, 1928, chap. 17, p. 129). The establishment of a training school at each hospital for the insane for training psychiatric attendants was also authorized (the same, chap. 18, p. 142), and the act governing the state board of charities and corrections was amended at various points, especially by adding to the staff of the board the commissioner of public institutions (the same, Chap. 16, p. 81).

In Massachusetts there was created a public bequest commission and a public bequest fund. The commission consists of the secretary of state and the state treasurer, who administer a fund consisting of bequests, devises, contributions, etc. When the fund amounts to $500,000 or more, the commission distributes, "with the approval of the governor and council, the income to such worthy citizens of the commonwealth as in its opinion by reason of old age and need are entitled thereto." No man under sixty-five and no woman under sixty is to be deemed so entitled (Mass. Acts, 1928, chap. 383, p. 484).

In Mississippi a commission for the blind was created (Mississippi Acts, chap. 149, p. 205), consisting of five persons, the state superintendent of education, the secretary of the state board of health, and three others—preferably including one blind person. The creation of so-called "children's aid funds" by the counties, to be administered by courts of equity, was also authorized (the same, chap. 84, p. 103); likewise the sterilization of patients in certain state institutions who are "afflicted with hereditary forms of insanity that are recurrent, idiocy, imbecility, feeblemindedness or epilepsy." The consent of the board of trustees and the recommendation of the superintendent of the institution are required (the same, chap. 294, p. 370).

As to the literature in the field, attention should be called to the recent establishment of a research department at the University of Virginia which has already resulted in the publication of a *Statistical Study of Virginia* and a *Study of Public and Private Welfare, Roanoke, Virginia*. From the University of Virginia come also *An Economic and Social Survey of Augusta County*, by Clay Catlett and E. Y. Fishburne, and a *Survey of Wise County*, by R. E. Kennedy.

Fred P. Johnson, chief probation officer in Detroit, is responsible for an admirable text-book on probation for juveniles and adults. *The Committee on Penal Affairs* has a discussion of the treatment of

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adult offenders and children by the courts of Berks county, Pennsylvania.

The Kansas City Public Service Institute has put out a *Survey of Jackson County Government*, including a chapter on charities and corrections; the U. S. Children's Bureau has set out in *Welfare of Prisoners' Families in Kentucky* (Publication No. 182) the meaning of imprisonment of the head of the family to the children in the family group; and Robert W. Kelso's *Science of Public Welfare* undertakes a comprehensive statement of the problem in the modern social and economic scheme.

Measurement of Administration. This fundamental topic continues to hold the attention of some groups of public administrators. Dr. C. E. Ridley is chairman of a joint committee which represents the National Municipal League, the International City Managers' Association, and the Governmental Research Conference. The committee is developing techniques of measurement for different fields, commencing with street cleaning. The Civil Service Assembly at its Denver meeting set up a round table on measuring the efficiency of civil service commissions, and the Colorado Municipal League is repeating, after an interval of five years, its interesting rating of Colorado cities.

A related enterprise to which much attention is being given is the matter of public reporting. Two significant books have appeared: Herman C. Beyle, *Governmental Reporting*, and Wylie Kilpatrick, *Reporting Municipal Government.* The golden age of public reporting inaugurated by Mr. Morris L. Cooke of Philadelphia hardly endured after his retirement, but much good reporting is being done. Attention may be directed to an interesting experiment in the 1927 and 1928 annual reports of City Manager John N. Edy of Berkeley, and to the uniformly admirable reports of Dr. E. W. Allen, chief of the U. S. Office of Agricultural Experiment Stations.

Institutional Development. Attention has already been called to the reorganization of the International City Manager's Association.

At the Denver meeting in September, 1928, the National Assembly of Civil Service Commissioners took significant steps to make the work of the group more effective. A new constitution was adopted providing (among other things) for the holding of four regional conferences as well as the annual international convention. The first Central States Regional Conference was held at Evanston in February, 1929. The name of the organization was changed to the Civil Service Assembly of the United States and Canada, a technical bulletin series was

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authorized, and the Bureau of Public Personnel Studies was made the secretariat.

Four new bureaus of government research were established during the year: the Erie County (Pennsylvania) Taxpayers' Association, the Schenectady Bureau of Municipal Research, the Sioux CityBureau of Municipal Research, and the Baltimore Bureau of Municipal Research. The University of Cincinnati established a Municipal Reference Bureau.

The Institute for Government Research at Washington became a unit in the new Brookings Institution, together with the Institute for Economic Research. The Cleveland Bureau of Municipal Research has been discontinued. A comprehensive business investigation of the city of Cleveland, of the Board of Education, and of Cuyahoga county, which will require three to five years for completion, has been initiated by the Cleveland Chamber of Commerce.

The Division of Public Administration of the University of Southern California initiated in 1928 an interesting "short course" in many phases of municipal administration. Some 750 persons representing fifty-six cities and towns in seven states participated, in twelve sections. The second short course will be held in June, 1929.

Outstanding Administrative Developments in France during 1928. Following the death by airplane accident of M. Bokanowski, the talented minister of commerce and industry, the French cabinet decided on September 14 to establish a separate air ministry. The new ministry was instituted early in October, with M. Laurent-Eynac, formerly under-secretary for aëronautics (1921–26) as its head. Over the strong objections of the war, navy, and colonial ministers, the aëronautic branches of those three departments were transferred to the new air ministry (decree of October 2, 1928). Tactical utilization of air personnel is, however, to remain under the control of the three older departments. The "air" budget, according to the decree mentioned, will be prepared by the new minister in consultation with the ministers of war, navy, and colonies.

A renewal of the twenty-year struggle between the French government and the staff associations (syndicates) of the administrative services culminated on March 16 in the overwhelming defeat by the Chamber of Deputies of a bill that proposed to extend to the *syndicat de fonctionnaires* all the privileges of the laws of 1884 and 1920 dealing with trade union "liberties." The bill would not only definitely have legalized the civil servant associations virtually as trade-unions, but

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would have permitted them (1) to form inter-departmental federations, (2) to adhere to industrial unions, (3) to acquire property and sue and be sued in the courts. Although the bill was strongly supported by the organized civil servants, it received only 190 votes, chiefly from the socialist and radical-socialist groups in the Chamber, after M. Poincaré, a bitter enemy of the proposition, had made the matter a "question of confidence." The fight will probably break out again during the present year, for already (January 15) the ministry is being pressed by its conservative supporters to introduce a bill that will establish a general code (*statut*) governing recruitment, promotion, discipline, civil responsibility, and liberty of association for all state employees. The general secretary of the *Fédération des Syndicats de Fonctionnaires* has once more announced the unwavering hostility of the rank and file of the civil servants to a general *statut* if it is to be linked with restrictions on their *droit syndical*. They hold that a uniform code is neither necessary nor desirable, in that the rules of each ministry now regulate satisfactorily the rights and duties of its staff. Meanwhile, the government will doubtless continue to wink at the existence of the present staff associations and their active participation in the C.G.T. outside. Even if not a *de jure* situation, it is too strong a *de facto* one for any cabinet to attempt to change with political impunity.

The year also saw further progress in the tedious and laborious effort to reclassify and "revalorize" the scales of pay for the various categories of state employment. By August, a governmental commission, appointed in February, 1927, for the purpose, had succeeded in reducing 1,775 different salary schedules to about 150. In the autumn this process was interrupted by a new movement to bring state salaries into harmony with the legally stabilized franc; in other words, to adjust them to the present value of the franc, with the 1914 rates of pay as a basis. Ultimately, this would mean multiplying pre-war salary scales by a coëfficient of at least five in all cases, with some special adjustments for classes that are generally recognized as being decidedly underpaid in 1914. Parliament voted around 350 million francs in December as an initial partial credit for this task, which it is thought will require three years for completion. Total "revalorization" as now contemplated will probably result in a basic salary scale of 9,000 to 125,000 francs, in contrast with the existing range of 8,000 to 80,000.

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A new law passed March 16, 1928, extends to laborers employed by the state a more liberal scheme of retirement and disability pensions than that to which they had previously been entitled.

Literature. Among the chief contributions to the literature of public administration to which reference has not already been made, special mention should be given Professor Ernst Freund's *Administrative Power over Persons and Property*, and William A. Robson's *Justice and Administrative Law*. These volumes, the *Harvard Studies in Administrative Law*, and the work of the Legal Research Committee comprise a notable addition to the field of administrative law.

The Brookings Institution (Institute for Government Research) published five important works in 1928: L. Meriam, *The Problem of Indian Administration*; L. F. Schmeckebier, *The District of Columbia*; Jenks Cameron, *The Development of Governmental Forest Control in the United States*; H. P. Seidemann, *Manual of Accounting, Reporting, and Business Procedure for the Territorial Government of Hawaii*; and F. F. Blachly and M. E. Oatman, *The Government and Administration of Germany*. *Municipal Administration Service* published seven contributions; E. D. Greenman, *Codification of Ordinances*; F. G. Crawford, *The Administration of the Gasoline Tax in the United States*; A. J. Post and G. H. McCaffrey, *Street Name Signs*; Wylie Kilpatrick, *Reporting Municipal Government*; C. H. Chatters, *The Enforcement of Real Estate Liens*; C. E. Reeves, *The Appraisal of Urban Land and Buildings*; and G. C. Havenner, *Photostat Recording*. Mention is also due H. A. Stone and G. E. Stecher, *Organization and Operation of a Municipal Bureau of Fire Prevention*, published by the Syracuse School of Citizenship and Public Affairs.

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FOREIGN GOVERNMENTS AND POLITICS

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The National Government of China.[1] The government at Nanking set up in April, 1927, by the Kuomintang (Nationalist party), in promulgating an "organic act" on October 4, 1928, took the title "national government." On the seventeenth anniversary of the outbreak of the Republican revolution, October 10, 1928, the system of government provided for by the act was inaugurated. The act was drafted by the law codification bureau at Nanking and revised by a committee composed of Wang Chung-hui, deputy judge of the Permanent Court of International Justice, Hu Han-min, and Tai Chi-t'ao.[2]

Since November, 1924, when, upon the ousting of President T'sao K'un, the "permanent" constitution adopted a year before was suspended, China has been without a fundamental instrument of government. The four intervening years, like the eight which preceded them, have been filled with interregional warfare. At Peking a provisional president, Tuan Ch'i-jui, was followed by a dictator, Chang Tso-lin. Elsewhere, regional capitals exercised the actual powers of government. From Canton in May, 1926, was initiated a campaign to bring all China under Kuomintang authority. The success of the campaign enabled the Nationalists to establish a government which received recognition by the United States on July 25, 1928, and has since been recognized by every state having important relations with the country. Japan has extended recognition of the government as *de facto* only.

A brief reference to republican constitutional history is sufficient to explain why Chinese liberals have created an oligarchy. The "pro-

[1] The writer has used the releases of *Kuo Min*, Nationalist news agency, which contain summaries of the important documents and of the minutes of the major party and administrative agencies. Some of these releases are used by all leading foreign language newspapers in China, such as the *Peking Leader*, the *North China Daily News and Herald*, and the *Peking and Tientsin Times*.

[2] Printed in *Current History*, vol. 29, pp. 526–28, Dec., 1928. Dr. Wang Chung-hui's brief discussion, "The Five Power System," was published in *The China Critic*, vol. 1, pp. 428–30, Oct. 25, 1928.

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visional" (1912–14, 1916–23), and the "permanent" (1923–24) constitutions, modelled after Western parliamentary instruments, failed of effectiveness because they did not recognize realities in the locus of power. The provisions to insure parliamentary supremacy were futile in the presence of executive military resources. Intimidation and gross bribery made of Parliament a laughing stock. It had only sufficient influence, during its brief rejuvenations, to hinder the executive. In 1923 the advisers from Moscow appeared on the scene. Under their tutelage the revolution prospered, and eventually its armies captured Peking.

Contemporary with this new influence was the recollection that Dr. Sun Yat-sen, organizer and leader of the Kuomintang, had envisaged the revolution as a series of three stages: (1) military achievement; (2) tutelage; (3) democracy. This justified suspension of the ambitious republican program of constitutionalism in the interest of a workable scheme. Democracy was to develop from the localities upward, and the more progressive localities and provinces were to form models for the rest. Eventually—whether soon or late was not conjectured—the conditions throughout all China would warrant the erection of representative government. The present order at Nanking is temporary—the bridge of tutelage between the military and democratic eras.

Observers of the vain efforts toward the establishment of parliamentary government, which have written republican history as a record of discouragement, had come reluctantly to believe that a practicable system must rest upon a compromise between the liberals and the *tuchün*, and must find places for all of the latter who were sufficiently powerful to endanger peace if excluded. What seemed essential was a directorate at the capital actually representative of regional controls. With this, there was need for a progressive and able group of civilian officials to suggest ways and means of organization and administration. The questions still unsolved were: (1) Could the rival *tuchün* be brought to coöperate? (2) Could a liberal group of civilians coöperate with the militarists? The present régime at Nanking is an attempt to answer these questions.

The law codification bureau had in mind a provisional document including articles defining private rights and duties, demarcating central and provincial authority, and stating the relationship between the Kuomintang and the government, in addition to the forty-eight articles on the organization and functions of the central government

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which constitute the promulgated act. To a considerable extent, the organization of the government had been worked out and was functioning prior to its promulgation. The point was made, however, upon the inauguration of the system as such that a president and a council in the nature of a responsible cabinet were taking the place of commissions which had exercised power without responsibility. It is believed that this distinction is justified, provided it is understood that the responsibility lay toward the party, not toward an electorate. The significant changes were the elaboration of the system and the centralization of administrative responsibility. Just as in the earlier organization all power emanated from the Kuomintang congress and was exercised by the executive committee, so in the present order of things the ultimate repository of power is the party congress. Responsibility is today more readily traced, hence more real.

Concurrently with the adoption of the organic act, the government published six fundamental principles which assist to an understanding of its constitutional theory: "1. During the period of political tutelage the national congress of all Kuomintang delegates shall represent the national convention in guiding the people and in exercising political sovereignty. 2. At the adjournment [of the annual session] of the national congress of Kuomintang delegates the political powers shall be vested in the central executive committee of the Kuomintang and be exercised by the committee. 3. The people shall be gradually trained to exercise their four political rights, viz., election, recall, initiative, and referendum, as determined by the party's late leader, in order to lay the foundation for constitutional government. 4. The five political powers of the government, viz., executive, legislative, judicial, examining, and supervisory, shall be vested in the government (or state) council, which shall have complete authority to exercise them so as to build a foundation for a government by popular election during the period of constitutionalism. 5. The central executive committee of the Kuomintang and the central political council shall direct and supervise the government council in the execution of important national affairs. 6. The revision and interpretation of the law governing the reorganization of the national government shall be determined and executed by the central executive committee of the Kuomintang and the central political council."

These "principles," which are summarized in the preamble of the organic act, express the views of Dr. Sun Yat-sen regarding the four political rights of the people and the five political powers of the govern-

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ment, and link up the Kuomintang with the administration, supplying an interpretation of the most important elements in the present order of things.[3] The first of the six defers to Dr. Sun's urgent desire for a people's conference; the third states the purpose to provide education for the exercise of political rights, indicating the present necessity of using the annual party congress in place of a people's conference. The others clearly state that during the period of tutelage political power resides in the Kuomintang congress and the executive committee as representatives of the people, that it is to be exercised in five divisions, and that the agencies exercising it are to be supervised and directed by the major party committees. The whole scheme belongs to Sun Yat-sen. If it continues to work, Dr. Sun's reputation as a practical statesman will be redeemed, at least to the extent of capacity to conceive a system for others to administer.

The national government is best analyzed by proceeding downward from an apex—the Kuomintang annual congress—to a base composed of the eleven ministries and five committees. The Kuomintang congress is the final authority in the party, determining policy and selecting the central executive committee and central supervisory committee. Though in theory annual, it did not meet between 1926 and 1929.[4] It is a large body, chosen in part by the central executive committee, in part by the members of the party, who elect delegates from a variety of units—the provinces, special districts, overseas, armies, railways, and seamen. Elections of provincial delegates take place in three stages—local, district, and provincial. Only registered members of the Kuomintang may vote or stand as candidates. Although membership is open, without sex distinction, to all who pay the fee and are loyal to the party, it is still relatively small, probably not exceeding 500,000. The congress meets at the call of the central executive committee, which may call it into special session also or postpone the regular session for a period not exceeding one year. Corresponding to the national congress are the party conventions in the provinces, districts, municipalities, and branch localities.

Second in theory and first in fact in control of the party is the central executive committee, of thirty-six members, with a standing committee of nine members, elected annually by the congress and exer-

[3] *San Min Chu I*, by Sun Yat-sen, translated by F. W. Price (Shanghai, 1927), Lect. 6.

[4] The third congress was convened at Nanking on March 15, 1929.

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cising final authority when the congress is not in session. The standing committee carries the burden of party work, meeting weekly and deciding all issues not delegated to other agencies as well as those sent up to it by them. The membership roll of this committee includes the civilian and military men who dominate the present government, as well as others who are temporarily out of power, such as Wang Ching-wei and Eugene Ch'en. The civilians now in control are moderate liberals, while the military members, though tuchünal in type, are more progressive and public-spirited than such predecessors as Yuan Shih-k'ai, Wu Pei-fu, and Chang Tso-lin. Comprising a number of factions, however, the committee is subject to the danger of rupture from both civilian disagreements and militarist jealousies. Provincial, district, and local executive committees parallel the central committee in the subordinate party headquarters. A central supervisory committee, also elected by the congress, audits party finances and censors the activities both of the agencies and of the members of the party.

A third body, the central political council, is the link between the party and the administrative organs of the central government. Appointed by the central executive committee, it includes, ex officio, the members of that committee, of the central supervisory committee, and of the state council. Other members, in number less than half the ex officio members, may be added by the central executive committee. The central political council meets weekly and may be regarded as fulfilling the deliberative functions of a national legislature. In its meetings both party and governmental problems are threshed out and conclusions reached upon policy. If these conclusions are agreeable to the central executive committee, they are forwarded to the state council to be carried into effect. The central political council has no authority to issue orders or instructions or to execute policy.

The provinces, districts, etc., do not have political councils, but "divisional" political councils exist in areas composed of groups of provinces—at Canton, Hankow, Taiyuan (Shansi), Peiping (Peking), Sianfu (Shensi), and Mukden. These councils exhibit the actual power of the military factions and each is dominated by a *tuchün*. The councils in fact determine the government personnel and policies of their respective areas and the distribution of troops and public revenues within them. Great difficulty has been experienced in maintaining a coöperative relationship between them, and the central government cannot exist as the government of China unless they continue to coöperate. An effort is being made to eliminate the

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divisional councils, but their elimination would yield nothing toward greater unity so long as the militarists who control them remained.

The relationship between the Kuomintang and the administration is suggested but not clearly stated in the organic act. The preamble says that the Kuomintang ordains and promulgates the act. The first four articles refer to the "national government" as though it were the supreme repository of power, but the remaining articles make it apparent that "government" would be more accurately translated "administration." Consequently the body of the act fails to state where final authority resides. It does not indicate to whom the president and the state council are responsible nor how political decisions are made. Hence the importance of the above-quoted "fundamental principles" to an understanding of the actual system.

The highest governmental organ, as distinguished from the agencies of the party, is the state council, composed of a chairman and sixteen members appointed by the central executive committee. The chairman is General Chiang Kai-shek (*chieh-shih*), and the membership comprises in about equal proportions the most influential of the civilian and military leaders of the dominant group, including the "young marshal," Chang Hsueh-liang, of Manchuria. The president of the national government is ex officio chairman of the state council. The presidents and vice-presidents of the five government departments, or *yuan*, must be chosen from the membership of the state council. The same men control the central executive committee, the central political council, and the state council.

The state council carries out the decisions of the central political council and the central executive committee. Through it is cleared all important government business, and its orders are known as mandates. The organic act (Art. 11) provides that "the national government shall conduct national affairs through the state council." By Art. 1, "the national government shall exercise all the governing powers of the republic of China." These provisions, which appear to confer final powers of governance upon the state council, must be read in the light of the known relations between it and the party committees. But so long as the state council is, in personnel, a replica of the central executive committee, there is no basis for deadlocks over the question of authority.

"The national government shall be composed of the following five *yuan*: executive, legislative, judicial, examination, and control *yuan*" (Art. 5). Neither the president nor the state council is mentioned in

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this article. The following article, however, provides for a president and councillors of the national government. Thus the president's office exists independently of the state council, though the president naturally and legally functions also as chairman of that body. He is specially authorized to exercise diplomatic and other representative functions of a ceremonial nature and to be commander-in-chief of the land, naval, and air forces. Appointments are made by the state council, with the approval of the central political council. The power to declare war, negotiate peace, and conclude treaties lies in the "national government" (Art. 3), and is exercised through the state council (Art. 11).

Responsible to the state council are the five boards or *yuan* (the latter word has no exact English equivalent). They include the customary three departments, executive, legislative, and judicial, and add an examination, or civil service, *yuan* and a control, or supervisory, *yuan*. The latter two were urged by Sun Yat-sen as essentially Chinese, carrying over the Imperial traditions of emphasis upon high merit as the qualification for public office and of an independent censorship of official conduct. He held the latter two functions to constitute independent spheres of governmental action, of equal importance with the former three.

The executive *yuan* consists of a president and vice-president, the ministers of ten departments—foreign affairs, finance, war, interior, education, communications, industry and commerce, agriculture and mining, railways and health—and the chairmen of the five extra-departmental commissions, viz., reconstruction, overseas affairs, labor, Mongolian and Tibetan affairs, and finance. It may be conveniently regarded as a cabinet of which the president of the *yuan* is the prime minister. The *yuan* is empowered to establish departments and commissions and to determine their functions. It may introduce draft bills into the legislative *yuan*. It prepares the budget, recommends appointments and removals, and engages in preliminary consideration of executive policy on behalf of the state council.

The legislative *yuan* is the largest of the five, having an upper limit of ninety-nine and a minimum of forty-nine members, in addition to a president. The members, as in the other *yuan*, are appointed by the central political council. The legislative *yuan* is a forum for the preliminary examination of mandates and treaties which it may draft or revise before forwarding them to the state council for transmission to the central political council. After decision upon these documents

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by the latter, followed possibly by final review in the central executive committee, they are returned to the state council for promulgation. The legislative *yuan* meets as such, and it also works through four committees, i.e., law-drafting, foreign relations, finance, and economics.

The judicial *yuan* was empowered by the organic act to "take charge of judicial trial, judicial administration, disciplinary punishment of officials, and trial of administrative cases" (Art. 33). Its president is, in effect, not only an attorney-general but a supreme judge, competent to give uniform interpretation to the laws. The *yuan* comprises a ministry of judicial administration (which increases the total number of the executive departments to eleven), a supreme court, and an administrative court. It may introduce draft bills upon matters within its competence into the legislative *yuan*.

The examination *yuan* has been well described as a civil service commission. Art. 37 indicates the broad reach of its functions: It "shall take charge of examinations and determine the qualifications for public service. All public functionaries shall be appointed only after having, according to law, passed an examination, and their qualifications for public service having been determined by the examination *yuan*." Clearly the value of this *yuan*, granted that it is permitted to function at all, will depend upon the standards it devises for the testing of candidates. It may be noted that the ministry of foreign affairs held written and oral examinations in November last for the selection of diplomatic and consular officers. The written examinations covered a field of subjects considerably wider than that required by the American department of state. Out of 177 candidates, forty-five were successful. The foreign minister announced, however, before the examinations that emphasis would be laid upon a thorough understanding of party principles, and that the choice of new ministers and consuls would naturally fall upon persons who were party members with meritorious records of party service.

The control *yuan*, to be composed of from nineteen to twenty-nine members, has the functions of audit and impeachment. It is intended that this organ shall act the courageous part of the ancient censorate, accusing officials high and low believed guilty of illegal or unjust action. Members are to be posted throughout the country as the old censors were. Its functions as a board of audit cover not only national but provincial and local receipts and disbursements. It would seem that the censorial function is anachronistic in a modern state. Its

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strength rested in the past upon the fetish of loyalty to a dynasty, its importance upon the necessity of fearless criticism in a political order where private criticism of an official was highly dangerous and extremely difficult to bring to a superior authority's attention. It is not surprising that special difficulty is being experienced in finding members for this *yuan*.

The organic act contains no bill of rights and no provisions concerning the respective spheres of the central government and the provinces. It is little more than a compact between the rival factions, providing a *modus vivendi* until more favorable conditions permit the resumption of a program of liberalism. It may be believed that the fragment of a system herein outlined affords a sounder basis for progress than any hitherto devised for the Chinese republic. Republican history suggests, however, the danger of setting one man above another. It may be that a small directory, possibly in the form of a standing committee of the state council, would constitute a more stable executive headship than a president. Already there are signs of revolt on a dangerous scale, and murmurs against President Chiang Kai-shek. Although the president's authority is more nominal than real, it would be desirable to avoid, if possible, the appearance of superiority if it is to create jealousy.

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The "Dictatorship" in Yugoslavia. The coup d'état, so-called, which, on January 6, 1929, brought into being a new form of government and established a new type of constitutional régime in the kingdom of the Serbs, Croats, and Slovenes, marked the end of exactly a decade of experimentation with the traditional principles of parliamentary government. That this "critical period" had not been an unqualified success is admitted by statesmen, diplomats, and politicians alike; that it was abruptly ended by the personal intervention of King Alexander and the supercession of the Vidov-dan constitution is equally a matter of fact. From Zagreb to Belgrade the passing of the political order which had obtained in the triune kingdom since 1918 has brought general rejoicing; outside the country, however, the queries have been raised: Is the change indicative of the future fate of all democracies, and have not the doctrines of fascism, of military dictatorship, of camarilla government, simply been transplanted to the Yugoslav capital from Rome and Madrid respectively?

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The situation is not to be understood merely by drawing hasty conclusions as to the prospective demise of democratic or parliamentary government everywhere, nor is it possible to speak, with any scientific accuracy, of the new régime in the Serb-Croat-Slovene state as a Balkan adaptation of the Italian and Iberian dictatorships. The occurrence of this constitutional change in the life of the Yugoslav people has its own distinctive *raison d'être* and does not flow from mere facile imitation of dictatorial practices in other countries. It is the product and the response of a monarch and his people to the exigencies of a situation, the adaptation of new forms and methods to the problems of a state still in the throes of the process of becoming.

The Old Régime and Its Failure. There can be no question that the World War greatly accelerated the movement for Yugoslav unification, that it in fact precipitated the formation, from peoples divided by barriers of religion and kept apart by all the wiles known to Austrian statecraft, of a single Yugoslav state which, at the Peace Conference of Paris, was welcomed with Wilsonian benedictions into the family of nations.

But despite the fact of formal unification through the concerted action of diplomats and the various agreements of responsible Yugoslav politicians, despite the momentary enthusiasm of the masses of the populace in the world-stirring days of 1918 which witnessed the collapse of Austria-Hungary, it was not long before it became apparent in the life of the Yugoslav state that the moral unity of the population, essential to the rapid political integration of a nation, was seriously lacking. On the west, Croatia, preponderantly peasant, Catholic in its tradition, Western in its orientation, imbued with republican ideals, and shot through with the economic impulses of the agrarian revolution elsewhere making rapid conquests in Europe, tugged at the leash within the three-fold monarchy. To the northwest the Slovenes, logical products of particularism under the old Habsburg monarchy, sought to establish for themselves, under clerical leadership and auspices, regional autonomy of a distinctive character. There remained the problem of reconciling the mixed populations in the Voivodina and South Serbia, the Moslem inhabitants of Bosnia and Herzegovina, and the proud, rugged, mountaineer tribesmen from Montenegro to the necessity of submission to a common government.

Eminently desirable as union was in principle, in practice, under a centralist constitution, the surrender of historic rights and the superseding of jealously guarded traditions took place under the haughty

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auspices of a Serbian bureaucracy which rapidly penetrated into the smallest administrative posts throughout the country—outside of Slovenia. In the course of a decade of domination of the national administration by the Serbian political parties at Belgrade, the flooding of the civil service with political appointees representing almost exclusively a Serbian viewpoint corrupted political life generally. Toward the end of the period it could be noted that the Croatian element, more European and less Balkan in its conception of political morality and administrative competence, was practically unrepresented in the state administration, the army, or the diplomatic service of the monarchy.[1]

Moreover, the Croat and Slovene portions of the country, which had been spared the ravages of the World War, were called upon to bear the brunt of taxation under fiscal legislation in the making of which they either had or took no part. From the standpoint of the *pretchani*, the outer provinces were not only being farmed out to an incompetent Serbian bureaucracy, but were, in addition, being made to pay disproportionately. In short, a condition which was borne with patriotic sacrifice for a year or two after the war tended to be turned by the politicians at Belgrade into a permanent economic vassalage, breeding cumulative provincial resentment against the capital. It followed from such a situation that the normal prospects of psychological entente, the possibilities of conscious political understanding, particularly between Serbs and Croats, were predestined to be indefinitely retarded. So long as Serbian control of the government continued, tension between the local populace and the Serbian administrators was bound to exist. Plainly, from an administrative standpoint, the moral unification anticipated at the end of the war had not taken place.

But the grievances in Yugoslavia were not only administrative; they were constitutional and political as well. A government which in 1918 had started out on a quasi-federal basis had, by the end of 1928, thanks to the Vidov-dan constitution, become increasingly centralized. The Serbian hegemony, which began in a purely administrative way before the constitution came into being, was, after 1921, definitely consecrated by the constitutional structure, and was doubly buttressed by the internal party situation.

[1] Cf. the Zagreb *Obzor*, May 8, 1928.

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The story of that complicated evolution need only be sketched here. The first pronouncements of the Prince-Regent, on taking the oath of office in 1918, had been in favor of "a democratic constitution, conceived in the spirit of state unity and allowing for a wide administrative autonomy, with guarantees for the widest political liberties and civic rights."[2] In accordance with the spirit of the royal pronouncement, a distinctly liberal draft constitutional project was brought forward by Premier Protić in 1920.[3] It was not, however, destined to be carried into effect. With the return of the patriarchal Pašić to office in the fall of 1920, the program of decentralization was discarded and a system of centralized administration, on Serbian models, was put forward and, with a few tempering changes, vigorously pushed to enactment by the constituent assembly. The result was to subject the triune kingdom to a régime of rigid centralization, not tempered by genuine autonomy in local affairs, and requiring, as a logical consequence, a larger national bureaucracy and added national expenditure, while officially exterminating the "historic" regions, or formerly independent political units, such as Montenegro.

From the beginning the Vidov-dan constitution was unpopular. It had been voted in the absence of both Slovenes and Croats—a fact which deprived it of high moral prestige and which gave a prevailingly Serbian tone to the document. It was not long before proposals for its modification were advanced by the Slovenes,[4] the Croats,[5] and the Yugoslav Democratic party.[6] The outstanding fact, however, from

[2] *Rijech S.H.S.*, January 7, 1919.

[3] Belgrade *Politika*, April 17, 1921.

[4] The Slovene program proposed the division of the country into six provinces, these to be subdivided into districts and communes, each with its deliberative assembly and executive committee. The scheme was not unlike that obtaining in Prussian, and, to a lesser extent, in the old Austrian, provincial administration. Cf. *Slovenec*, February 13, 1924.

[5] The Croat proposals, usually couched in a vague phraseology, were repeatedly put forth in varying forms. Perhaps the tersest statement of their point of view was made officially to Premier Pašič at Zagreb on April 13, 1923: "To modify the [existing] régime in the constitutional and legal sense and to transform the administration in the sense of autonomy." Cf. *Bulletin Périodique de la Presse Yougoslave*, No. 43, May, 1923. A more elaborate statement is found in the manifesto of the Yugoslav Revisionist Bloc, made at Belgrade, March 22, 1925. Cf. *Bulletin Périodique de la Presse Yougoslave*, No. 59, May 20, 1925, citing *Politika*, March 23, 1925.

[6] An elaborate and carefully developed program of decentralization amounting almost to federalization was put forth at the end of 1923 by M. V. Marin-

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the end of 1921 to the end of 1928 was that no reform of the constitution took place. Paper projects might be advanced, the Skupshtina and the party congresses might reverberate with declamations in favor of change; the stubborn fact remained that the constitution was unaltered, grew daily more rigid in practice, and, despite the oscillations of parties and the reallocation of portfolios, became the principal vehicle for the retention of control by the Serbian and Moslem political parties.

An additional factor, which helped to aggravate an already critical situation, was the failure of the parliamentary system owing to the lack of genuine national political parties. The effort honestly made after the formal unification, particularly by the Democrats, to found truly national parties proved a disappointment. The national idea, which presupposed a Yugoslav and not a particularist mentality, did not "take," with the result that no one nation-wide party really existed apart from the socialist and communist groups which, in an essentially agricultural country, were practically impotent. The new state was thus saddled from the beginning with an incubus of militant factionalism that was the direct result of pre-war Austrian and Magyar policy and intransigent Great Serbian nationalism.[7]

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ković, and adopted by the Democratic Central Committee. The project would have reserved to autonomous regional bodies, with independent taxing power, all matters other than those connected with diplomacy, the army, the courts, police, educational policy, worship, state finance, communications, posts, telegraphs, and telephones. This would have meant, of course, a marked reduction in national expenditure. Cf. *Politika*, December 27, 1923.

[7] An excellent appraisal of the party situation after five years of unification is given by a British journalist. Writing of the Yugoslav Democratic party's unsuccessful attempt to become really national, he says: "Distinctly a Yugoslav, as opposed to a Serb party, the Democrats were most numerous in the provisional Skupshtina, but were too heterogeneous to hold together, and had a mistaken fundamental idea. As the believers in real national unity, they gained numerous adherents, but actual circumstances, such as local patriotism and tribal consciousness, renascent after the war, doomed their scheme to failure. . . . . Croat and Slovene particularism refused to merge in a new Yugoslavdom, more especially as the Serbs would have nothing to say to it. The result was that in Croatia increase of strength went to the party which agitated most strongly against Belgrade, and that in Slovenia the Autonomists, under Dr. Korošeč, gained almost every mandate. In short, the consequences of the Democrat point of view proved disastrous to the party. In Serbia it was ousted by the Radicals, in Croatia by M. Radić's adherents, and in Slovenia by the Clericals." Letter from Zagreb, *The Near East*, Vol. 26, pp. 448–450 (October 30, 1924).

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Without parties of a genuinely national character to build on, both democracy and the parliamentary system were predestined to be sterile. In the Skupshtina petty groups quarrelled interminably over trivialities; coalitions had to be constructed by continually purchased compromise; there was no substantial basis of cohesion among factions, and hence the life of any given cabinet came more and more to depend on the placating of personal grievances and the frequent redistribution of political patronage. In older and more established nations such political fiddling would have been sorry enough; for a young state it was suicidal. Even before the tragic events of June 20, 1928, which turned the Skupshtina into a shambles, the parliament had exhausted its political capacity and ceased to be of constructive value to the nation. In lieu of attempting the rapid solution of critical problems, it exhibited only the impotence of masterly inactivity; in lieu of energetic executive action by an efficient cabinet, there existed only the deadening paralysis of forced and factious coalition. It was small wonder that, as crisis after crisis came and went without real solution, the chief of state came to realize that a bickering chamber, without a consensus of opinion on fundamental questions, was an inexcusable luxury to a renascent kingdom, an institution which could be at least temporarily dispensed with in the interests of genuine national progress.

The failure of parliamentary democracy in Yugoslavia was due, then, to the fatal convergence of administrative inefficiency, constitutional over-centralization, and the lack of genuinely national political parties. To cleanse the Augean stables of Yugoslav politics was a formidable task requiring heroic measures. It was this which faced King Alexander.

With royal fortitude and remarkable patience, the monarch had waited to see what a decade would bring forth. When the decennium closed, he could endure the situation no longer.[8] Summoning General

[8] It is unnecessary to consider in detail the specific steps by which the monarch was brought to take these decisive measures. After the massacre of the Croat deputies by a fanatical Montenegrin in June, the Croats had withdrawn from Parliament and denied it legislative competency (cf. *Narodni Val*, June 22, 1928, cited by the *Bulletin Périodique de la Presse Yougoslave*, No. 81, September 11, 1928). Later, on the eve of Radič's death, the Croats suggested, once again, the dissolution of the incompetent parliament and the formation of a "neutral" ministry to function pending elections to a new constituent assembly (*Narodni Val*, August 2, 1928, citing the resolutions of August 1, taken by the party). On the very eve of the *coup*, they had suggested a non-parliamentary cabinet representative of all parts of the country, and the re-

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Peter Zivkovič, his devoted guardsman, he entrusted him with the task of political, constitutional, and administrative renovation, and broke cleanly with the past. It was not the first time that the Gordian knot of Macedonian problems was cleft by the master stroke of an Alexander. Within three hours of the royal summons the new régime—"the Christmas cabinet," as it was called in Belgrade (O.S.)—was brought into being.

The New Régime and its Work. The royal intervention was announced to the public by a formal proclamation which is of unusual importance on account of the political theory it embodies.[9] Just as, on January 6, 1919, Alexander had announced *directly to his people*,[10] his

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vision of the constitution in order to restore the historic units formerly comprising the country. As none of the Serbian or Moslem parties would assent voluntarily to such proposals, the monarch had no alternative except to impose the solution dictated to him by the circumstances (cf. *Le Temps*, January 7, 1929). The text of the last communiqué of the outgoing Koroseč government is significant in this connection: "On the occasion of the audiences accorded them on January 4th and 5th, MM. Maček and Pribićević declared, in the name of the Peasant-Democrat coalition, that a complete revision of the constitution must take place, with a view to the restoration of the historic regions, with their legislatures and executives. To this end, a neutral government would be a form which would enjoy the confidence of the sovereign and which, by its composition, would guarantee that the aforesaid matters would be acted upon. In consequence the Skupshtina must be dissolved, and elections for a constituent assembly must be decreed." *Ibid.*, January 7, 1929.

[9] For the text cf. *L'Europe Nouvelle*, 12th year, No. 570, pp. 49–50 (January 12, 1929).

[10] "By the unanimous decision of the nation," ran the royal proclamation, "all the hitherto divided sections of our native land have joined together in a united kingdom. By the will of the people, ... I have, in agreement with the leaders of all parties in Serbia, Croatia and Slovenia, proceeded to the formation of our first state government, as the outward and visible sign of our . . . . complete brotherly solidarity. In this government there sit and work in agreement the foremost men of all three faiths and all three names, of all parties and all provinces of the kingdom. My government will work in full agreement with the representatives of the people and be responsible to them. . . . . As king of a free and democratic people, I shall at all times unswervingly uphold the principles of constitutional government, which shall be the cornerstone of our state, created by the free will of the people. . . . . A scheme will be introduced for a democratic constitution, conceived in the spirit of state unity and allowing for a wide administrative autonomy with guarantees for the widest political liberties and civic rights." Here may be found, in clear and unequivocal terms, the determination of the young ruler, on ascending the throne, to establish a constitutional monarchy, a responsible parliamentary

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conception of his kingship and outlined the program of the first Yugoslav government, formed in the absence of a parliament, so the king reverted to his earlier practice and publicly set forth the reasons for the change of régime. "The hour has come," declared the monarch, "when, between the people and the king there cannot be and ought not to be an intermediary. . . . . My expectations, as well as those of the people, that the evolution of our internal political life would bring order and consolidation into the country's affairs have not been realized. . . . . Far from developing and reinforcing the spirit of national union and of the state, parliamentarism, such as it is, began to arouse spiritual disorganization and national disunion. My sacred duty is to safeguard by all means the national union and the state. I have decided to fulfill this duty to the end unhesitatingly. To maintain the union of my people and safeguard the unity of the state, the highest ideal of my reign, ought equally to be the most imperious law for me and for all. This is imposed upon me by my responsibility before the people and before history. . . . . We ought to seek new methods of work and try out new ways. I am convinced that in this grave moment all—Serbs, Croats, and Slovenes—will understand the sincere word of their king and that they will be my most faithful helpers in the course of my future efforts, which tend solely to arrive, as quickly as possible, at the realization of the establishing of a state administration and organization which will best respond to the general needs of the people and the interests of the state."[11]

Here, it will be recognized, is no mere dictatorial pronunciamiento, no chauvinistic manifesto of a military martinet, nor the oratorical embodiment of Fascist demagogy. Here is presented the conception of direct monarchy, of the immediate relationship of king and people, of authority exercised in a fashion far more directly responsible than that provided by ministerial responsibility to the quarrelsome parliament with its cliques, its clubs, and its continual tergiversations.

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system, a decentralized state administration, and a régime of juridical equality, all postulated on the acceptance of democracy as the fundamental characteristic of the new state. To be a citizen king, possessing no title of nobility, ruling no subjects, and acknowledging the popular will as the sole source of all sovereign authority—such was Alexander's conception of his function in the life of the Yugoslav state. For the text of the proclamation, cf. *Rijech S.H.S.*, January 7, 1919; for anEnglish translation, cf. M. W. Graham, *New Governments of Central Europe*, pp. 639–641.

[11] *L'Europe Nouvelle, loc. cit.*

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Owing to the need of regulating the matters in which the dissolved Skupshtina had shared, a short charter defining more precisely the position of the royal house, the rules of dynastic succession and regencies, was concurrently issued, and instructions were given to the new cabinet to guide both its general and its immediate conduct. Legislative and executive powers were, under the charter, to remain in royal hands, as were all matters pertaining to foreign relations, whether in war or peace.[12] While it is true that the people are nowhere explicitly mentioned in the charter save in relation to the announcement of royal succession, the derivative position of the monarch is clearly admitted. He is only the holder (*détenteur*) of authority, not its source, and is in no sense an autocrat. It is furthermore made clear in the royal admonitions to the ministers that a régime of complete legality is contemplated, in which the king and his ministers are the prime servitors of the nation.[13]

The new government has largely lived up to royal expectation. It has, within two months from its assumption of office, dissolved the political parties, speeded up the administrative machinery, weeded out the carpetbag functionaries, and toned up, in general, the entire national organism.[14] The vitriolic and abusive press has returned to a more normal balance of opinion and has sidetracked personal politics, as all possibility of gain by further vituperation is gone. The vicious

[12] Law on the Royal Power and the Supreme Administration of the State, January 6, 1929, *L'Europe Nouvelle, loc. cit.*

[13] "I invite you, gentlemen, to aid me by your efforts and by the conscientious execution of your duties in this great task for the welfare and prosperity of our kingdom, for a better future for our people, and never to lose sight of the fact that the safety of the state is the supreme law, and to serve the people the most sacred of duties." Elsewhere in the royal declaration emphasis was placed on the creation of "wholehearted confidence on the part of the people with regard to the authorities, the sentiment and the conviction that complete legality reigns in our state, and that absolute justice and equality are established in an enduring fashion." *L'Europe Nouvelle, loc. cit.*

[14] "The reorganization of the civil service," says a Czech critic, "was perhaps the most essential step of all. Under the influence of party strife it had become corrupt, inefficient, and overstaffed. Now the number of employees is to be reduced, their qualifications are to be closely examined, and those educationally or morally unqualified who were found places by party friends are to be dismissed and the standard of service, hours of work, and general efficiency of the service are to be raised. Everyone admits that these measures are good and have been carried out with great fairness, determination, and dispatch." "The Situation in Jugoslavia," *Central European Observer*, vol. 7, p. 59 (February 1, 1929).

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practice of "intervention," i.e., the use of parliamentary pressure to speed up administrative procedure on behalf of private individuals has been done away with. Whereas, after a decade of discussion, no advance had been made in the vital matter of codification and unification of laws, two months have sufficed under the present régime to produce a unified criminal law and accelerate progress in other branches of juridical reconstruction. Other tasks remain—those of restoring the national economy and accelerating needed social legislation—and these will amply test the statesmanship of the new régime. There is the inevitable question as to whether there can be a return to the parliamentary order,[15] and, if so, when the propitious moment shall have arrived. But for the present, the old constitutional fetters that chained governments are gone. There are now no trammels laid down by caucuses, cliques, and legislative committees. "Set about your task and give proof of the greatest activity in all the branches of administration of the state, without letting yourselves be hampered by any of the difficulties inherent in the system of administration hitherto in force"—that has been the royal admonition.

What, in the last analysis, is the real nature of the new régime? It is not a military dictatorship, despite the fact that the prime minister is a military man; it is not a civilian dictatorship, for no royal servitor aspires to such a place; it is not a class or sectional dictatorship, seeking to reserve political power to any group or any region in the nation, since every part of the country and the various social classes are represented in the cabinet.[16] In actual fact, the new government has discarded the dictatorship of petty factions in an impotent Skupshtina; it has done away with dictatorship by the Serbian political parties. It has brought into being, for the first time, a government genuinely made up of all parts of the Yugoslav people and serving the state as a whole with an efficiency and directness that are almost universally welcomed.[17] If it is dictatorial in any sense, the present régime may be said to be the direct royal

[15] Cf. Jacques Chastenet, "Le *coup d'état* royal en Yougoslavie," *Revue Politique et Parlementaire*, vol. 138, pp. 298–301 (February 10, 1929).

[16] Albert Mousset, "Les événements de Belgrade: une nouvelle ère politique en Yougoslavie," *L'Europe Nouvelle*, 12th Year, No. 570, pp. 47–49 (January 12, 1929).

[17] Cf. *The Near East and India*, vol. 35, p. 129 (January 31, 1929); *Central European Observer*, vol. 7, p. 62 (February 1, 1929); and *Le Temps*, January 9, 11, 1929.

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dictatorship of a democratic ruler, based on the cardinal conception of popular sovereignty and of the immediate responsibility of the king to the nation for the execution of its mandates.

If the new régime succeeds in achieving national understanding among the three peoples of the monarchy, if it atones by its demonstratedly superior efficiency for the political and administrative incompetence of the preceding régime, if it appeases by its economic foresight the basic wants of a nation in dire need of modernization, then the "dictatorship" of a democratic king working in strict collaboration with his people, and seeking expert advice for the solution of their problems, will have justified itself, not merely as a "constitutional parenthesis," but as a necessary stage in the realization of Yugoslav national unity.

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Greece Abandons Proportional Representation. Following the adoption by Greece of proportional representation in the general election of November 7, 1926, that system was abandoned in the last election, held on August 19, 1928, on the ground that it failed to give the country a strong and homogenous government. The earlier operation of "P. R." in Greece was set forth in a former number of this *Review*.[1] In a total of 286 seats, in the election of 1926, the Venizelist Republican group secured 144, as against the Antivenizelist Royalist group which secured 130, there being also a unit of nine Communists and three Agrarians elected to that Chamber. In view of the impossibility of either of the major groups forming a cabinet with the strong support of the Chamber, a coalition ministry was resorted to, and it worked with marked success so long as a compromise program was followed. This cabinet, under the leadership of the veteran statesman, Dr. Alexander Zaimis, himself not a deputy, was supported in the Chamber by the 106 votes of the Liberal Union, the 18 of the Republican Union, the 63 of the Popular Royalists, and the 54 of the Free Opinion Moderate Royalist party, thus having a total support of 241 votes, against 45 disunited and leaderless opponents. This coalition was able to heal the serious breach that had split the Hellenic nation since 1915 over the question of Greek participation in the World War or absolute neutrality. The ministry

[1] Vol. 21, pp. 123–127 (Feb., 1927).

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was, furthermore, instrumental in bringing some order into the chaotic finances of the country. Finally, it succeeded in eliminating the military factor from the political life of the nation, putting an end to the military dictatorships that held sway from the middle of 1922 to the end of 1926.

Once these measures were accomplished, however, there arose in the cabinet serious differences among its various component parts. The Popular party was the first to withdraw from the coalition, being followed soon afterwards by the Republican Union. The two remaining groups were for a time strong enough to muster 160 votes against a split opposition, but parliamentary life became increasingly disorganized until in June, 1928, Mr. Eleftherios K. Venizelos, the founder of the Liberal party, announced his return to active political life, withdrew his confidence from the existing leaders of the Liberals, and shortly (on July 4) became premier, owing to the fact that the entire Liberal Republican faction in the Chamber had flocked to his standard.

The upshot of all this was the general election of August 19, 1928, which took place after a radical modification had been made in the electoral system. In view of the outcry of the old political parties, and especially of those of the Opposition, against proportional representation, M. Venizelos, immediately upon assuming power, secured the issuance of an edict whereby the old plurality system was again put in force, with some slight changes favorable to the cabinet but accepted also by the Opposition. As against 961,437 votes cast in the election of 1926, there was a total of 1,015,013 votes cast in that of 1928, in a population slightly less than seven million, and with adult male suffrage. Of this number, 686,463 went to the Liberal Republican groups, led by Venizelos, while 328,550 went to the Antivenizelist Royalist Opposition. The total number of seats having been reduced to 250, following an ingenious reapportionment by Venizelos, the election resulted in 225 Government candidates being returned as against a mere 25 of the Royalist Opposition. The entire Free Opinion party in the Chamber, with the exception of a single member, was wiped out, as was also the Communist party, now outlawed in Greece. It would appear that in 1926, under the "P. R." system, the Royalist Opposition, having polled forty-four per cent of the total vote, secured the same proportion of seats in the Chamber, whereas the same party under the plurality system of 1928, having obtained thirty-two per cent of the total vote, has today only ten

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per cent of the representation in the Chamber. Thus, 684,463 voters are represented in the Chamber by 225 deputies, whereas 328,550, almost one-half of the majority, have only 25 seats. The majority party is giving the country strong and steady government. But the lack of a sufficiently vigorous Opposition is felt by the cabinet. This has repeatedly been stated by Premier Venizelos himself. The majority has, furthermore, treated the minority in the Chamber with marked consideration.

ADAMANTIOS TH. POLYZOIDES.

New York City.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

By vote of the Executive Council, the twenty-fifth annual meeting of the American Political Science Association will be held at New Orleans on December 27–30. The chairman of the committee on program is Professor Clyde L. King, of the University of Pennsylvania.

Dr. Charles A. Beard lectured for several weeks at Harvard University in March and April under the auspices of the department of government.

Dean Herman G. James, of the University of Nebraska, has accepted the presidency of the University of South Dakota.

Professor Jesse S. Reeves, of the University of Michigan, delivered two lectures at Northwestern University in February on Paraguayan affairs, including the territorial dispute between Bolivia and Paraguay, and also a series of lectures at Union College in February and March on aspects of international administration.

At Columbia University, Professor Howard L. McBain has succeeded Professor Frederick J. E. Woodbridge as dean of the graduate faculties, and in turn has been succeeded by Professor Lindsay Rogers as executive officer of the department of public law and jurisprudence.

Professor Edward S. Corwin, of Princeton University, who has been in China this year as visiting professor at Yenching University, delivered a lecture in December before the Chinese Social and Political Science Association on "The Democratic Dogma and the Future of Political Science."

Professor John Dickinson, of Princeton University, has resigned to become professor of law in the law school of the University of Pennsylvania, where he will be in charge of the courses in constitutional law, administrative law, and public utilities.

Dr. John Mez, of the University of Arizona, has been appointed to a professorship of economics and political science at the University of Oregon.

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The summer session staff of the School for Citizenship at Syracuse University will include Professors O. C. Hormell, of Bowdoin College, and C. A. Berdahl, of the University of Illinois.

Professor Ralston Hayden, of the University of Michigan, will give courses on English government and the government of dependencies at the University of California in the coming summer session.

Professor Leland M. Goodrich, of the department of social and political science at Brown University, is chairman this year of the Rhode Island branch of the Foreign Policy Association.

Professor Charles M. Kneier, of the University of Nebraska, will give courses in American government and municipal government at the University of Illinois during the summer session.

Mr. Roy E. Brown, graduate assistant in political science at the State University of Iowa, has been appointed assistant professor of political science at the University of North Dakota.

Professor K. R. B. Flint, head of the political science department at Norwich University, has been made a member of the executive committee of the recently formed New England Planning Commission.

Dr. Lloyd M. Short has been promoted to a full professorship of political science and public law at the University of Missouri, and has also been made assistant dean of the graduate school.

Mr. Harold H. Sprout, formerly of Miami University and now completing his graduate work at Wisconsin, has been appointed assistant professor of political science at Stanford University. He will be in charge of Professor Graham H. Stuart's courses next year while Dr. Stuart is on leave of absence.

Professor Louis B. Schmidt, head of the department of history and government at Iowa State College, will give courses at the University of Alabama during the first term of the summer session. Dr. Herbert C. Cook has been made assistant professor of government at Iowa State College.

Dr. Martin L. Faust, assistant professor of political science at the University of Pittsburgh, has been appointed associate professor of political science and public law at the University of Missouri. Dr. Faust will have charge of courses in municipal government and

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administration. Mr. William L. Bradshaw, instructor in political science and public law at Missouri, has been granted leave of absence for 1929–30 in order to complete his graduate work at the State University of Iowa.

Dr. O. W. E. Cook has been added to the department of political science at the University of Southern California. He will offer courses dealing with Latin America and the Orient. Dr. John E. Harley, associate professor of political science at the same institution, has returned after seven months of study in Europe, principally at the Institut Universitaire des Hautes Études Internationales at Geneva.

Professor Carl J. Friedrich has received a grant from the Milton Fund at Harvard University to aid in preparing a new Latin (and possibly an English) edition of Johannes Althusius' *Politica Methodice Digesta*. Professor Miller McClintock has received a grant from the same source for a preliminary study of municipal airport administration.

Dr. George H. Ryden, head of the department of history and political science at the University of Delaware, has been promoted to a full professorship. He is at present working in the field of international relations in the Pacific, with special reference to the foreign policy of the United States in relation to Samoa. Yale University awarded him the John Addison Porter prize of $500 for an essay in this field in June, 1928. The Caesar Rodney letters, which are in the possession of the Historical Society of Delaware, will be published by that organization, some time during the present year, under Professor Ryden's editorship.

Professor Quincy Wright, of the University of Chicago, is lecturing at the Brookings Institution during the spring quarter. He will return to the University for the summer quarter, and will proceed to Kyoto in the autumn for the meeting of the Institute of Pacific Relations. Professor Harold D. Lasswell has returned from a nine months' residence in Vienna and Berlin, where he has been continuing his studies in the psychiatric approach to political behavior. Dr Carroll H. Woody has recently completed a study of referendum votes under the local option system for the regulation of the sale of intoxicating liquors, and has begun a study of the Frank L. Smith campaign in Illinois.

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After conferring with officials of the American Library Association, and with the aid of large numbers of teachers of international subjects in American colleges and universities, the World Peace Foundation, of Boston, has undertaken the preparation of lists of elementary, intermediate, and advanced books on a wide range of international topics, such lists to be placed at the service of libraries for guidance in book purchases in this field.

The American Council of Learned Societies has created a standing committee on the promotion of Chinese studies. The chairman is Dr. Berthold Laufer, curator of the anthropological section of the Field Museum of Natural History, Chicago.

The Local Community Research Committee at the University of Chicago has in progress a study of organized crime, in coöperation with Northwestern University, the Institute of Criminal Law and Criminology, and the Chicago Crime Commission. Studies in regional planning are progressing, with two units complete.

The University of Chicago announces the affiliation of the Bureau of Public Personnel Administration, hitherto located at Washington, D.C. The Bureau will hereafter occupy quarters on the University of Chicago campus. Mr. Fred Telford, director of the bureau, has been appointed lecturer in the department of political science. As is mentioned elsewhere, the secretariat of the International City Managers' Association will also be moved to Chicago, and the secretary, Dr. Clarence E. Ridley, has been appointed associate professor of political science in the University.

The Social Science Research Council has recently appointed an advisory committee on public administration. The members are: Leonard D. White, University of Chicago, chairman; Arthur W. Macmahon, Columbia University; Carl J. Friedrich, Harvard University; Luther Gulick, New York Bureau of Municipal Research; Walter F. Dodd, Yale Law School; Stephen Story, city manager of Rochester, New York; Oliver Short, civil service commissioner, Baltimore; John Dickinson, Princeton University; L. J. O'Rourke, director of personnel research, U. S. Civil Service Commission, Washington, D.C.; H. S. Person, Taylor Society, New York City; Morris L. Cooke, Philadelphia; Lewis Meriam, Institute for Government Research, Washington, D.C.; and E. E. Hunt, Department of Commerce, Washington, D.C.

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On recommendation of the committee on grants in aid, the Social Science Research Council has made grants to assist research projects as follows: (1) Professor Joseph P. Harris, University of Wisconsin, for a study of the administration of elections in the United States, and (2) Professor Oliver P. Field, of the University of Minnesota, for a study of the effect of unconstitutional statutes. Professor Harris will carry on his studies with additional financial aid from the Institute for Government Research and the University of Wisconsin. He will be on leave from the University during the first semester of 1929–30.

A Southeastern Political Science Conference, held at Atlanta, February 11–12, devoted sessions to the discussion of the present political situation in the South, state administrative reorganization, local government in the South, taxation, international relations, political science curricula, and studies in practical politics. The Conference was placed on a permanent basis, with Professor Cullen B. Gosnell, of Emory University, as chairman for next year. A Southeastern Political Science Quarterly is projected, with Professor Philip Davidson, of Agnes Scott College, as temporary managing editor.

The Dodge lectures on responsibilities of citizenship, given at Yale University in February and March, included addresses on administrative problems of immigration, prohibition, criminal justice, and superpower, given by Messrs. R. C. White, James M. Doran, Raymond Moley, and O. C. Merrill, respectively. The Sherrill Foundation lectures were given in March by Hon. Charles E. Hughes on Pan-American peace plans.

The twenty-third annual meeting of the American Society of International Law took place at Washington on April 24–27. A round table conference on the conventional codification of international law followed a report of the special committee on that subject, presented by Professor Jesse S. Reeves, of the University of Michigan, and a round table on publications for the study of international law, conducted by Professor Manley O. Hudson, of the Harvard Law School, followed a report by Dr. Dennis, of the American University, for the Society's committee on enlargement of State Department publications, and a discussion by Dr. Tyler Dennett of governmental publications for the study of international law. Dr. James Brown Scott addressed the body on the treaty between Italy and the Vatican,

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Professor Roland S. Morris on the Pact of Paris, and Mr. Chandler P. Anderson on the scope and character of arbitration treaties; and the president of the Society, Hon. Charles E. Hughes, in his opening address gave the usual survey of international developments during the year.

Foreign scholars and experts who will participate in the ninth annual meeting of the Institute of Politics at Williamstown during the coming summer include Dr. Hjalmar Schacht, president of the German Reichsbank; Professor André Siegfried, of the School of Social Science, Paris; Professor William E. Rappard, of the University of Geneva; Count Giovanni Elia, of Rome; and T. E. G. Gregory, professor of banking at the University of London. The increasing economic competition between nations will be a principal topic for consideration, but other subjects will be the limitation of armament and the foreign relations of the United States. Two new members of the advisory board of the Institute are Mr. Rowland W. Boyden, of Boston, and Professor George H. Blakeslee, of Clark University.

At its annual meeting in February the fellowships committee of the Social Science Research Council awarded twenty-seven research fellowships, distributed among the social sciences as follows: anthropology, three; economics, five; history, six; political science, three; psychology, three; sociology, three; geography, one; law, two; miscellaneous, one. The three fellows selected from the applicants in political science are Professor John G. Heinberg, of the University of Missouri, who will study the personnel of French cabinets since the establishment of the Third Republic; Professor James K. Pollock, Jr., of the University of Michigan, who will continue his investigations of the use of money in English, French, and German elections; and Professor Amry Vandenbosch, of the University of Kentucky, who will go to London, the Netherlands, and the Dutch East Indies to study Dutch colonial policy and administration.

The Institute for the Study of Law at the Johns Hopkins University is preparing, with a view to publishing, a survey of all studies and research in or related to law now in progress or completed in 1928. The term "research in law," is to be interpreted in its broadest sense, so as to include all studies, writings, or investigations, large or small. The object of this survey is to present a picture of the work of all groups whose studies are concerned directly or indirectly with

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any phase of law or involve the use of legal materials. It is believed that such a record of studies will serve to make them available to a greater number, and will help prevent duplication and overlapping of work in the future. A questionnaire has been sent to faculties of law schools and to faculties in economics, political science, sociology, and psychology of the universities in the Association of American Universities, as well as to organized research bureaus, foundations, and commissions. Persons who have not received this questionnaire and are doing work which they believe should be included in this survey are requested to write to the Institute for the Study of Law concerning their work, and to suggest names of others whose work they believe should be included. As the report is to be completed in June, an early reply is necessary.

Yale University has received gifts and subsidies representing a capital of $7,500,000 for the establishment of an Institute of Human Relations in which the University's resources for the scientific investigation of man's behavior from the physical and mental, the individual and the social, viewpoints will be concentrated. "The Institute" says the formal announcement, "is designed to bring together sociologists, biologists, psychologists, and economists, who will combine with their colleagues in such applied fields as law, medicine, and psychiatry to correlate knowledge of the mind and body and of individual and group conduct, and to study further the inter-relations of the many factors influencing human actions. Yale intends to make a study of human behavior in all of its aspects one of the University's major objectives. All of the departments of the natural and social sciences will coöperate so far as possible in this plan, with the Institute as the point of contact between them and as a center for their graduate and research work. Every man on the staff of the Institute will hold an appointment in a fundamental University department, in order that the work of the Institute may be articulated with that of the University as a whole. This will make possible a coördination of related activities dealing with man's welfare, and a concentration of knowledge and technique such as has never before been attempted in the solution of complex problems of human relations. Such close affiliation with the professional schools, as well as with the fundamental departments of study, will encourage students to think of their professions as having to do primarily with human beings, rather than with test tubes, statute books, codes or creeds." Plans are being drawn for a special building for the Institute.

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BOOK REVIEWS AND NOTICES

By A. C. Hanford
Harvard University

Group Representation Before Congress. By E. Pendleton Herring. (Baltimore: Johns Hopkins Press. 1929. Pp. xviii, 309.)

There is an old joke to the effect that two Germans cannot meet without founding a club. It might also be said that two Americans cannot agree on anything without starting an organization. From the cradle to the grave, from swaddling clothes to winding sheet, we are organized. We are not only political animals in the Aristotelian sense, we are factional animals as well. Where is the American who does not "belong" to some organized group? Thirty millions of us "belong" to some eight hundred secret so-called fraternal orders, zoölogical and otherwise. Our fears are organized and our hates. We are organized to work and to play, to worship and to deride. There is an American Bankers Association and a Hodcarriers Union, an Association for the Advancement of Colored People and the Ku Klux Klan, the Lord's Day Alliance and the Association Opposed to Blue Laws. There is even a National Circus Fans Association. The individual no longer counts. As Mr. Herring remarks "this complex society has put the individual in the chorus and instructed him to watch the leader."

Politics is, of course, but one of the activities in which these multitudinous groups engage. It is with their political activity that Mr. Herring is concerned. Washington is overrun with representatives of innumerable groups, from the American Agricultural Association to the Zionist Organization Union. "The cast iron dome of the Capitol has strange magnetic powers. It is the great hive of the nation to which each busy big and little association sooner or later wings its way." No conclusive statement as to the total number of organizations so represented can be given. Mr. Herring lists about five hundred and says there are easily a thousand. Their membership varies from a mere handful to millions. Hundreds of them are fakes whose sole *raison d'être* is the collection of dues and subscriptions. Some of them, like the National Association of Manufacturers, the Anti-Saloon League, and the Chamber of Commerce, speak with the voice

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of Stentor, while others barely squeak. The weaker sisters, like Chanticleer, go on the theory that when they crow Congress cringes, although their squawkings have as little to do with legislation as the cock's crow with the dawn. But when the "big fellows" speak it behooves congressmen to listen, and an order from the Bliss Building may be as effective as one from the White House. The Monday Lunch Club has become almost as important as the White House breakfasts.

The methods of these organizations are not those of the old time lobby; they have become purified and "glorified." Pressure and propaganda are the Big Berthas in their artillery. They publish bulletins and issue press releases; they furnish boiler plate to the pauper press; they give expert advice to committees and government bureaus; friendly get-togethers of political patrons and statesmen are organized; and where gentler tactics fail they stir up the hornets' nest of voters to plague stubborn solons. When letters, telegrams, memorials, and resolutions by the hundreds and the thousands pour in, congressmen's nerves begin to twitch. They know that some pressure-group is on the job, that this outpouring is not spontaneous; but they hearken none the less. These groups keep the home folks advised concerning the doings of their representatives; they are the eyes and ears of the nation. They establish headquarters in Washington, not only because the government is there, but because Washington is the sounding board of the republic.

"What's good for business is good for the country," is the slogan of the Chamber of Commerce. With slight modification, it might serve for most of these associations. It is a common failing of men to believe that what's sauce for the goose must be sauce for the gander.

We may bewail this prevailing pluralism and cry out for the "good old days" when America was not an organocracy, when there was "an American people equal under universal suffrage animated with a national consciousness." But we know when we do so that we are shedding crocodile tears. Since the beginning of our history we have been governed by groups. Government is everywhere oligarchical, and only a Rousseauist romanticist believes in a "general will" on anything except the necessity for common rules of procedure. Public opinion in any other sense than organized group opinion remains a phantom. There may have been fewer organized minorities in the old days; there may have been less lobbying; but it is a difference in degree, not in kind.

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Mr. Herring is absolutely right when he says that these associations "represent a healthy democratic development. They rose in answer to certain needs. . . . . They are part of our representative system. . . . . There is no turning back. These groups must be welcomed for what they are . . . . [They] must be understood and their place in government allotted, if not by actual legislation, then by general public realization of their significance." A democracy which denies freedom of association and discussion soon dies in dictatorship.

This is an absorbing book. It is scholarly, it is eminently readable, it is indispensable to those who would understand the political scene. Here is the substance and reality of the process of government.

PETER H. ODEGARD.

Williams College.

Congressional Investigating Committees. By MARSHALL E. DIMOCK. (Baltimore: Johns Hopkins Press. 1929. Pp. 182.)

Congressional Investigations: A Study of the Origin and Development of the Power of Congress to Investigate and Punish for Contempt. By ERNEST J. EBERLING. (New York: Columbia University Press. 1928. Pp. 452.)

These are doctoral dissertations on a subject of perennial interest to historians and politicians and, lately, of special concern to constitutional lawyers and political scientists. Both authors attempt to show how the inquisitorial power was established and used, challenged and defended, fortified and judicially reviewed. Their purpose is to appraise the position of investigations in the processes of the federal government.

Dr. Dimock classifies his material and organizes his study according to the triple functions which he believes investigations perform: (1) to determine the qualifications, conduct, and privileges of members of Congress; (2) to aid in law-making; and (3) to control the executive departments. After three chapters illustrating investigations which serve these purposes, he reviews the leading federal cases in which the investigative power has been challenged and suggests four tests of the validity of an inquiry. Then he contrasts the investigative powers of congressional committees and administrative commissions and discusses the incidence of committee procedure upon the constitutional liberties of witnesses. In his last chapter the author criticises investigations on seven counts, estimates their influence on

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public opinion, and prophecies more frequent inquiries looking toward legislation, but fewer committee investigations of the executive, thanks to the inquisitorial powers of the comptroller-general. No mention is made of the possible restraining effect on the comptroller of the recent Myers decision (272 U. S. 52). Dr. Dimock's comments on the Supreme Court's decision in McGrain v. Daugherty (273 U. S. 135) are particularly interesting. In this decision he sees the seeds of a more liberal construction by the courts of the necessity for particular inquiries. It paves the way, he believes, for judicial recognition of the validity of the grand jury rôle of congressional investigations.

Dr. Eberling classifies legislative investigations as Dr. Dimock does, but makes his book chiefly a chronological account of congressional practice, procedure, statutory development, and judicial review. The content, problems, and findings of both studies are necessarily similar, since the authors have covered much the same ground, used the same materials, and written since the Supreme Court spoke in McGrain v. Daugherty (1927). They agree that the inquisitorial power originated in seventeenth-century England, was assumed by the colonial assemblies and state legislatures, continued to be exercised by both houses of Congress in hundreds of cases, was fortified by statutes, and is sanctioned by the Constitution and courts within certain limits. They agree that the power often runs counter to individual liberties, in which case public necessity should prevail, and they find that investigations fulfill necessary functions and so serve a salutary purpose. Both studies are well documented.

The authors differ in the way in which they have organized their materials and in their sense of professional propriety. Dr. Dimock tells the story in 175 pages and Dr. Eberling takes 423 pages. The former begins with a chapter comparing congressional investigations with those in England, France, and Germany, and concludes with a forecast; such considerations the latter omits. Dr. Dimock's book is the more succinct, the better balanced, and the more systematically organized of the two. Frequent italicized captions demarcate the points in his argument, and only the most instructive and interesting precedents are put in evidence to support it. Dr. Eberling's book varies in length of chapters from 18 to 130 pages. It devotes only two pages to English origins, discusses the details of 81 congressional precedents, six statutes, and 25 court cases in tedious repetition of the same points, and gives extravagant space to particular investigations. Out of 423 pages of text, an estimate indicates that material equivalent

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to 129 pages is quotation of congressional debates, revised statutes, and judicial opinions. The book is a chronological sequence of cases strung along, without logical unity or rigorous analysis, on no clear and consistent thread. Furthermore, comparison of Dr. Eberling's book with articles published in 1926 and 1927 by Professor James M. Landis[1] and the reviewer[2] reveals that the author has appropriated portions of both articles without quotation or acknowledgment. The language is either identical or too similar to admit of doubt.

So far as contributions to the sum of recorded knowledge are concerned, both of these studies are, in a sense, supererogatory in that they cover ground which had already been adequately covered in published articles. The original research on parliamentary precedent for legislative investigations was done by Professor Landis; that on colonial precedents by Professor Potts;[3] and that on congressional precedents by Professor Landis and the reviewer. Nevertheless, these studies represent much diligent research and include some good comment and criticism.

GEORGE B. GALLOWAY.

Philadelphia, Pa.

Readings in Public Opinion: Its Formation and Control. By W. BROOKE GRAVES. (New York: D. Appleton and Company. 1928. Pp. xxxiv, 1281.)

Political science is showing definite signs of breaking away from its earlier mistress, the law. The evidence of this is that it is starting an affair with another, psychology. To the present writer it seems that, during its present stage of transition, political science should not tie itself too closely to any one discipline, but should deliberately adopt promiscuity, or, in more academic terms, eclecticism. Politics is *not* psychology, but psychology can give us aid in interpreting politics. The political scientist, in a word, must not turn psychologist, but should collect and classify *political* facts, in the light—when it serves his purpose—of psychological theory.

[1] "Constitutional Limitations on the Congressional Power of Investigation," *Harvard Law Review*, vol. 40, p. 153 (December, 1926).

[2] "The Investigative Function of Congress," *American Political Science Review*, vol. 21, p. 47 (February, 1927).

[3] "Power of Legislative Bodies to Punish for Contempt," *Pa. Law Review*, vol. 74, pp. 691, 780 (May-June, 1926).

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Closely connected with the partial transfer of affection referred to is the multiplication of books on public opinion. A few years ago we had little besides Lowell and Dicey, and somewhat later, Graham Wallas. But the recent vogue of psychology and the gigantic propagandas of the World War have now given us quite a literature of the subject.

In this literature Professor Graves' bulky tome will find a useful place. It is a sort of handbook or manual of the subject. For, in addition to short selections on each of a wide variety of topics, there are, at the end of each chapter, lists of "review questions" and of "topics for further investigation." In the latter the reader is actually overwhelmed with references. These will lead him not only into psychology, but as well into the detailed processes of politics and social intercourse.

It seems to the reviewer a merit that, in a work of this sort, the author has not taken sides as between the opposing schools of psychology; that he has not attempted to isolate *political* public opinion with any artificial sharpness from the general problem; and that he has not confined his material to "general principles," but has opened up a wealth of concrete detail. For in the present state of psychology, the political scientist may get clues from all schools without becoming a partisan of any. And while "public opinion" is a term as yet only vaguely defined, it seems even now clear that its political aspects merge with the aspects less immediately related to governmental policy, and that its formation and control involve so many variable factors that the attempt to reduce it to a "few simple principles" would result in misleading over-generalizations. Even the brilliant studies of Lippmann cannot tell the whole story.

For the teacher, this book furnishes a useful source of suggestion and illustration. The advanced student, also, might profit by the exercise of preparing, on the basis of this book, a more generalized picture of his own, with an attempt to weight the factors involved. For formal classes, the work could be used as a basic text, provided it did not overwhelm the immature undergraduate, who usually has less background than is commonly assumed.

JAMES HART.

Johns Hopkins University.

Political Behavior. By FRANK R. KENT. (New York: William Morrow and Company. 1928. Pp. x, 342.)

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Walter Lippmann is reported as saying that Frank Kent "knows more about political behavior than anyone writing today." Certainly he knows a great deal. Kent is a journalist and displays the strength and weaknesses of his profession. He has an engaging style, a tendency to dogmatize which is at times irritating, and a knack for repeating himself without seeming to do so. Thus there is very little in this book which is not to be found in *The Great Game of Politics*. If that book be regarded as Kent's *pièce de résistance*, this one may not improperly be called the dessert.

Here he sets forth his conclusions about political behavior in the United States. They are, briefly, as follows. All except a half-million persons (and that, he says, is a generous estimate) are political nincompoops. Brains and character are not necessary in politics; in fact they may be a distinct handicap. Party regularity is the first law of success. To be really independent is to commit political hari-kari. As Kent said in *The Great Game of Politics*, "Nothing short of a political tidal wave or revolution can carry an independent candidate to success." The so-called independent voters, "always swinging between the two big parties," are for the most part morons. He would agree with Ostrogorski that their "independence" is prompted "by a feeling akin to that of the Buddhist, who beats his idol when it has not granted his prayer." Political machines are maintained through a judicious distribution of loaves and fishes. Only occasionally when the machine is in a tight place is it necessary to "dress up the ticket" with a "fat cat" who is prepared to pay the bills and give the other candidates a free ride. Having secured the support of "the boys in the back room," the candidate is instructed how to garner the votes of the "moronic masses" on the fence. He should not argue; the thing to do is to say nothing while seeming to say much—it's bunkum the voters want. Where the voter cannot be fooled, he should be frightened. He likes, above all, a good show or shiver. When your opponent hurls embarrassing facts and questions at you, keep silent or talk about something else. "Never handle a hot poker on the front porch." Dozens of illustrations come to mind: "Bill" Thompson's famous argument with the rats "Fred" and "Doc"; John F. Hylan's hobgoblin the "interests"; even the high-hatted Hoover with his "noble experiment" and that holy of holies, the tariff.

There are other rules. It does not pay to buck the "business interests." Don't be too pernickity about the corrupt practices acts.

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Politics is beyond good and evil. In short, "play the game." With plenty of watchers (who incidentally are voters) at ten dollars a head, a bulging treasury, friendly reporters, a kindly face, and an unlimited supply of humbug and hokum, you stand to win.

America, according to Kent, is corrupt and contented; an ounce of prosperity will leaven a lump of corruption and turn the dross to sheen. Women in politics are no better than men, their sole influence being to increase the power of the machine (a statement which, with many others, must be taken with a liberal sprinkling of salt.) But in spite of an assumed disdain for "dirty politics," most Americans swarm into the game as flies gather round treacle.

This book should be read for entertainment if not instruction. It is not so thorough as Ostrogorski, nor so penetrating as Bentley, nor so profound as Michels, but it is too good to miss.

PETER H. ODEGARD.

Williams College.

State Government. By WALTER F. DODD. Second edition. (New York: The Century Co. 1928. Pp. xiv, 604.)

Although described as a second edition, this volume is not merely a revision but is in fact a new book. Not only has the subject matter been brought down to date, but much of the material has been rearranged and the bulk of the book rewritten. Those who used the original edition found it to be an excellent text-book. The new edition is even more satisfactory. For example, the subject matter which appeared in Chapter III of the original work on "The State and its Subdivisions" has been moved to the latter part of the book and tied up with the other chapters on local government and the state, thus avoiding needless repetition and improving the unity of presentation. The number and geographical spread of typical examples have been increased, and the style made more lively and readable by the almost complete rewriting of the text.

Among the outstanding features of Professor Dodd's book are the treatment of state government in close relationship to the federal government and to the local subdivisions through which a large part of the states' business is done; the emphasis on the activities of the state as a going concern, especially its social activities; the attention to basic principles; the careful discussion of state constitutions, conventions, and constitutional development; limitations on state governmental power with particular reference to the problems

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of judicial review; the serious problems arising out of inequalities of representation, especially the discrimination against cities, which Professor Dodd was one of the first persons to point out; the analysis of the work of state legislatures; and the granting of subordinate powers of legislation to administrative bodies as "one of the great developments of the future in state government." The chapter on "The Task of Administering Justice," in its revised form, remains one of the best short discussions known to the reviewer of the need, problems, and methods of readjusting judicial machinery and processes to meet the strain of modern conditions.

As in the earlier edition, the author emphasizes actual problems for immediate and future solution, and supplements the text with detailed notes at the end of each chapter giving critical bibliographical information and throwing out additional problems for further study.

The book has been enriched by the broad experience of the author as a teacher, first in the Middle West at the Universities of Illinois and Chicago and later in the East at Yale, as director of the Illinois Legislative Reference Bureau, which brought him into close contact with both the legislature and the constitutional convention of that state, as the director of a survey of administrative reorganization in Ohio, and as a practicing attorney at law.

A. C. HANFORD.

Harvard University.

Making the Fascist State. By HERBERT W. SCHNEIDER. (New York: Oxford University Press. 1928. Pp. xii, 392.)

The New Fascist State: A Study of Italy under Mussolini. (By E. W. HULLINGER. (New York: Rae D. Henkle Company. 1928. Pp. xiv, 298.)

Fascism: A Challenge to Democracy. By M. W. HOWARD. (New York: Fleming H. Revell Company. 1928. Pp. 183.)

In spite of their titles, these three books have very little in common. The first is, for serious study of Fascism, incomparably the best of the lot. The second is a good popular exposition. The third is uncritical eulogy.

Mr. Hullinger's book is the work of a journalist and lecturer, partly reprinted from the *New York Times*, *Current History*, and other periodicals, pleasantly and popularly written, covering much of the ground that Mr. Schneider leaves out, but necessarily rather superficially.

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The author's observations on the organic defects of the Italian nation, on the Fascist economic state, on Mussolini himself, on relations with the Vatican, and particularly on "Italy's literary eclipse" under Fascism are all fresh and interesting, if not startlingly novel.

Justice may be brief and summary for the third work. It is by a Mr. M. H. Howard, who is, we are informed, an ex-congressman from Alabama, and who has come, apparently since he became "ex," to see the shortcomings of democracy. It is a defense of "pragmatism against dogmatism" and a plea for the genius who is fighting against race suicide "cunningly disguised as birth control"—in short, another work in praise of Mussolini, written in the "great-man" tradition of Carlyle, but without either eloquence, insight, or information to carry off its aim. The quotations, fortunately long, are the best part of the book. The author's judgments, both on democracy and on Fascism, are superficial and wholly personal. The book abounds with overstatements and misstatements of Fascist achievements for which no evidence is offered—a thoroughly stupid performance.

Making the Fascist State was done under the auspices of the Social Science Research Council by Professor Schneider, one of John Dewey's most promising disciples. The record of events and doctrines which it contains is the completest we have had in English—almost too complete in that the author has hardly selected for emphasis any of the numerous sources of the Fascist current. He has been perhaps too intent to get them all in. However, he has documented his work with the most valuable notes and appendices, generally preferring to let the Fascists speak for themselves. Although it is more a source book than an interpretation, it stands, at the present time, as the most useful work yet published in English on Fascism. Compared with recent foreign publications, it has not the juridical and political competence of Luigi Francesco Ferrari's (professor at Louvain) recently published *Le Régime Fasciste Italien* (Paris, Editions Spes, 1928), or the background of economic forces and financial information displayed by Silvio Trentin's *L'Aventure Italienne Legendes et Réalités* (Paris, Presses Universitaires, 1928).

There are two disappointments in this useful book. The reader is promised in the Foreword "enough of the political history and economic problems to make clear how the *fascisti* intended their ideas to be applied"; and he is led to hope for the fruits of assistance from "distinguished Italians, ex-ministers, senators," and others of such a nature that it is not "prudent under the present political cir-

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cumstances" to name them. If the book really threw light on the moving forces—industrial, agricultural, financial—behind the scenes, or divulged information that Mussolini might be annoyed at having blazoned forth publicly by his opponents, it would fill a long-felt want. But none of Mr. Schneider's assistants need tremble: there are few revelations which have not been made boastfully by Mussolini or other Fascist apologists, unless it be the revelation of grafting by members of the Fascist directorate (p. 117). There is not even a hint that Fascism was, or even that it may have been, after 1920, a somewhat puppet movement, whose lack of "fixed principles" and whose new emphasis on a gospel of work and discipline perhaps corresponded with a change to strings pulled by subsidies from industrialists and bankers. Mr. Schneider does show how the various changes in front toward industrialists and labor and the "battles" of the lira, coal, wheat, etc., corresponded to political needs and to party changes. But the external loans which Fascism, under the benevolent Volpi, multiplied to the point of creating a debt item whose service strains the national economic mechanism beyond bearing and the various "mysteries" of Fascist finance and of stabilization of the lira are all accepted at the face valuation given by Fascists, and are accorded, at that, hardly a casual mention. Mussolini's sudden "piping down" on his previous jingo strain, which paralleled in so interesting a way the credit from a foreign banking consortium to peg the lira, passes unnoticed.

There is, on the other hand, an excellent account of the external reasons for Mussolini's change of program in terms of so many adjustments to the tactical and political situation necessary to increase his power. That flair for sensing a change of the popular wind has been, no doubt, the dominant note in Mussolini's career. But the direction in which that power is to be used is described only as far as to note that it obviously drags the government farther and farther along the road toward price-fixing and state regulation of rents, landholding, shipping subsidies, and rates, as well as wages (pp. 209 ff.). This summary conclusion is odd, to say the least: "It is idle to argue whether the state has been turned over to economic interests or the interests subjected to the state. The right wing of the party insists that the corporate state is a glorified individualism; the left wing thinks it to be the triumph of the people 'over the threatened capitalist insurrection.' The simple fact is that the political and economic orders are being fused into the corporate state and government is frankly becoming political economy."

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One may suggest to the author a very pragmatic test of whether the Fascist corporative state, depicted on loan posters as a bee-hive industriously toiling, is purely an "economic state": *Who gets the honey?* There is nothing in this book to answer this very interesting question about the relation of doctrines to facts, although a comparison with the equally "economic state" of Soviet Russia would have made it clear. In short, politics can never become pure economics, since there is no such thing as pure economics in political practice.

The doctrines have, Mr. Schneider points out, changed mightily since Fascism ceased to be a movement and became a government. In passing, it might be noted that the influence of d'Annunzio and the constitution of Carnaro on the new "corporative state" seem to be underrated by Mr. Schneider. As others have also noticed, the pragmatic Machiavellian doctrines of Fascism changed character to the almost mystic idealism of the corporative state. Some mention of the obvious lessons which have been learned from Russia, too, might have been worth while.

The "corporative" structure, which Mr. Schneider (again following previous interpretations which he does not find it necessary to mention) feels is bound to conflict with the "corporative" state now actually in party hands, need not be taken as seriously as the author seems to take it. It is an imposing façade which—since Mr. Schneider wrote—seems to be in the course of being torn down to Rossoni's foundations and rebuilt to order by the newly reconstituted Grand Council. The nature of "coöperation" between capital and labor, aside from the conflicting currents of Mussolini's leanings and the equally puzzling decrees of the labor courts set up under the Labor Charter, does not yet appear. Mr. Schneider's analysis would hardly suggest what appears to be the fact, that the syndicates are under completely centralized Fascist control.

The main themes of the book, so far as there can be said to be main themes, have now hardly any claims to novelty. It is in documenting them that Mr. Schneider has performed a real service.

On the whole, the book is written with wit and insight. Given the gentle cynicism shown by Mr. Schneider, and given his professions of clinical method, it is not to be expected that he would offer any judgments. Still, in the selection of his facts, and in their exposition, one might wish that he had given more basis for judgments, economic and political.

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From the wording of his paragraphs it is impossible to tell whether his conclusions as to the Fascist mind and the heroic breed are his own judgments or simply expositions of Fascist claims. If they are the former, they ought to be in some measure compared with the mind of Italians as a nation. How foreign a phenomenon is Mussolini? Or, if he is quintessentially native, is he an operatic flame-up or a Solon re-inspiriting a nation? Mr. Schneider has offered neither to stand in judgment nor to furnish the facts on which a judgment might rest—aside from a very uncritical chronicle of Fascist words and deeds.

The book is perhaps too cluttered with trivial figures and too little interpretative of the real protagonists. It shows no acquaintance with the useful commentaries afforded by the anti-Fascist literature and journals on the Continent published by exiles from Italy. Some of its facts are uncritically accepted, and all of them, it would appear, were obtained in Italy. Nevertheless, the volume serves as a most useful and welcome addition to the growing literature—most of it useless—on Fascism; and it does succeed measurably well in showing the "minds of Fascists" by letting them speak for themselves. Its documents in translation, in the text and the appendices, are in themselves a sufficient attraction to students of political science to make its publication a welcome event.

W. Y. Elliott.

Harvard University.

The Government and Administration of Germany. By Frederick F. Blachly and Miriam E. Oatman. (Baltimore: Johns Hopkins Press. 1928. Pp. xiv, 770.)

The book here discussed is one of the Studies in Administration of the Institute for Government Research, and the first of a series to cover the government and administration of the leading countries of Europe. As stated in the press announcement, "the volume . . . .considers in a broad way the governmental system of Germany as a whole, the structural organization and functions of all its political units, the nation, the states, and the local units, the interrelation of these bodies from their operative standpoint, the methods of administration in general and of the more important special functions in particular, and the complicated lines of control over the many different political units and governmental agencies."

With the authors' decision to cover so wide a field in one enterprise the reviewer has no right to find fault. Having made their choice, they

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have on the whole shown good judgment in the limitations which in the nature of things were imposed upon them. The most thorough treatment has properly been accorded the national and state organizations, and within that field "special emphasis has been laid upon the new system of taxation and its administration, the new budget system, the personnel system, the conduct or control of economic enterprises, the new educational system, and the system of administrative courts." Nevertheless, the chapter on the educational system is disappointingly meagre, while the subject of local government has recently received more adequate treatment in Bertram W. Maxwell's *Contemporary Municipal Government of Germany*.[1]

The work is done in a scholarly fashion, and the information offered is sound, although, as the reviewer knows full well from his own experience, perfection is never attained in works of this kind. As a rule, the subjects dealt with are brought up to date as far as possible. In a few instances, however, attention to more recent developments might have been of added value. In the section dealing with the administrative reorganization of the federal and state governments the analysis of the opinions of Lohmeyer and Koch-Weser (p. 25 ff.) might have been replaced advantageously by references to the creation, in December, 1927, of the Association for the Renovation of the Reich, representing the big business interests, under the chairmanship of former chancellor Luther, and by an analysis of its program. Reference might also have been made to the appointment, by the States Conference of January, 1928, of two committees charged with the working out of reports and programs for the realization of the reforms demanded.

The result of the authors' policy of translating German terms representing typical German institutions confirms the reviewer's belief that it is wiser and more effective to define such terms than to translate them. There is, for instance, the term *Staatsgewalt*, employed throughout the German constitution in that form as the equivalent for "sovereignty" in the constitutional, legal sense in contradistinction to sovereignty in international law. In their attempt to accomplish the impossible, Blachly and Oatman render it on one page as "supreme power" in Article 1, and as "sovereignty" in Article 5, of the English text of the German constitution. There is the term *Staatsgerichtshof*. Sometimes it is properly left untranslated (pp. 135, 423, and elsewhere), sometimes it appears as "High Court of State" (pp. 9, 22–23, 72–73,

[1] See the next review.

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135, and in Articles 19, 59, 108 of the English text of the German constitution), and finally it is found as "Supreme Judicial Court" (pp. 61, 153). Even in the index it appears as *Staatsgerichtshof* and as "Supreme Judicial Court" in the reference to p. 61. If in this instance the authors intended to bring out a possible functional difference, they failed to make the distinction clear. The term *Reichsgericht* apparently remains untranslated throughout the text and in the index except in one reference to p. 420, under the item "Supreme Judicial Court," which, as shown above, is also applied to the *Staatsgerichtshof*. A similar inconsistency is manifest in the case of the term *Rechnungshof*, which is given as such on p. 38, as "Court of Accounts" on p. 235, and as *Rechnungshof* and "Court of Audit" on p. 251.

Much could be said concerning the choice of English equivalents in general, which often seem to wander needlessly from the nearest to the remote. On page 12 the term *Gesetzgebung* has been rendered as "jurisdiction," instead of [right of] legislation or legislative power, the terms used in the English text of the constitution (p. 644). The term *Beamte* is given as "officers" instead of "officials," in the sense of public officials. In consequence, we find on page 386 the term officers applied to regular officers of the army, to male officials of the public or civil service, and to women officials (referred to as women officers) of the same category.

The usefulness of an excellent and nearly exhaustive bibliography has been impaired by the failure to systematize to the best advantage. A bibliography of sixty-nine pages, arranged under numerous topics, deserves at least a topical listing. Nor is the enumeration of bibliographical items in section after section of compact text, and the absence of the alphabetical or chronological arrangement in some of the line-for-line sections, apt to lighten the user's already heavy burden.

But with all its pecadillos the work is an outstanding achievement in its field. It holds its own with any of the Studies of the Institute. No greater compliment could be paid its authors than the expression of wonder that a book containing such a wealth of detail did not turn out a deadly bore. Is the reason for its happy escape to be found in the fact of its joint authorship? Surely no mere male is endowed with such love for minutiæ, nor with such deftness at making a point.

JOHANNES MATTERN.

Johns Hopkins University.

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Contemporary Municipal Government of Germany. By Bertram W. Maxwell. (Baltimore: Warwick and York, Inc. 1928. Pp. 162.)

The development of municipal government in Germany since the war possesses a peculiar interest for American students of government. The vast amount of excellent material on the subject published in Germany during the past five or six years is both a challenge and an incentive to English-speaking scholars to present in English the recent contributions of German cities to the science and art of city government.

In this brief monograph Professor Maxwell "attempts . . . . to describe the most important and significant changes brought about by the Revolution in the government of German cities" (p. 3). Especially significant among such changes are: a definite trend toward municipal democracy, as evidenced by the inclusion of the initiative and referendum "in some of the municipal systems," and by "the application of the universal suffrage clause of the national constitution to muncipalities" (p. 128); deprivation of "cities of independent authority which was a part of municipal privilege in the pre-revolutionary period," resulting from centralization of power in the national and state governments, especially in the field of financial legislation; a decided increase in the influence of party politics (p. 51); and a serious attempt on the part of municipal officials "to purge their ranks of bureaucratic self-sufficiency" (p. 130). The author finds that "the post-revolutionary municipal governments are attempting to blend two seemingly irreconcilable elements: democracy and efficiency."

The book consists of twelve chapters, touching upon practically the whole range of municipal organization and functions, including an historical sketch from the medieval town to the present-day city, and also the legal and constitutional relations between the cities and the national and state governments. An excellent translation of the proposed national municipal code is given in an appendix. Bibliographical notes and a selected bibliography add to the value of the monograph.

The attempt to cover such a vast field in space so limited inevitably tends to make the treatment rather mechanical and sketchy in some places and vague and uncertain in others. For example, elaboration possibly could have made clear how cities prohibited by national law "to levy surtaxes on land in excess of 150 per cent of the state tax" have been compelled by economic necessity to exceed this rate (p. 78). The more satisfactory portion of the book relates to the organs

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of government and the legal relations set forth in the proposed national municipal code, while the least satisfactory portion deals with municipal finance and municipal enterprises. The latter subject is disposed of in a chapter of two and one-half pages.

The vast storehouse of information on these subjects contained in Mitzlaff and Stein, *Die Zukunftsaufgaben der deutschen Städte* (1118 pages), *Monographien deutscher Städte*, edited by Edwin Stein (covering at least twenty-six municipalities), and the *Statistisches Jahrbuch deutscher Städte* (the indispensable standard compilation of financial statistics of German cities), appears not to have been drawn upon. German sources alone must still be relied on for essential facts upon such important subjects as the sources of municipal revenue and the extremely interesting experiments in municipal trading since the war. While this monograph may be taken as an introduction to, or suggestive outline of, the subject, it seems fair to conclude that a satisfactory book in English on contemporary German municipal government is yet to be written.

ORREN C. HORMELL.

Bowdoin College.

The Psychology of Socialism. By HENRY DEMAN. Translated from the second German edition by Eden and Cedar Paul. (New York: Henry Holt and Company. 1927. Pp. 509.)

At a meeting of the American Political Science Association two years ago the writer of the present review tried to draw the attention of American political scientists to the problem of the crisis of Marxist socialism in Europe, because it seemed to him that the mass psychology of this process had very important consequences from the point of view both of political theory and of practical issues. This endeavor seemed a failure, because nothing can be more antagonistic than the social and political atmosphere of the United States and that of the Marxist labor movement in Europe. Such being the situation, the present book of Henry DeMan must be welcomed by all who acknowledge the importance of mass-ideological movements in history.

The author of the volume is a Flemish intellectual who devoted his whole life to Marxist socialism. His political convictions, however, were shaken by the tremendous experiences of the last decade. The breakdown of the Marxist International during the World War, the establishment of a military absolutism in Russia under a communistic symbol, and the practical non-existence of a socialist movement in

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America, whose social and political life he studied carefully, with intimate touch with her workers, "racked [him] with doubts and scruples whose echoes will be heard in this book." *The Psychology of Socialism* is not the fruit of rummaging in libraries, but is based on the practical experiences of a life devoted to the education of the proletariat. The author is convinced that the present evolution of the Marxist creed does not any longer satisfy the real necessities of the working class, that it must be remoulded according to the vital needs of the new generation. In order to prove his point, he gives a detailed and penetrating analysis of the mass psychology of the Marxist movement.

Among many interesting problems treated, let us emphasize only these few: the antagonism between theory and practice; the sentimental idealization of the proletariat by those who know it only through books; the social inferiority-complex as the driving force of European socialism; the problem of the intellectuals as an open sore in the life of the Marxist parties; the rebirth of religious symbolism in the labor movement; repudiation of the theory that the state is nothing else than the governmental organ of the leading class interests; the nonexistence of a distinct proletarian culture; the naïve simplification of the violence theory; capitalism as a method of production opposed to a method of domination; the devastating effect of a mass psychology based on a mechanical determinism. These and other problems are scrutinized with rare acumen and intuitive penetration. The hasty generalizations of Le Bon and others in the field of social psychology find here sufficient correctives and qualifications. The dangers menacing the labor movement in Europe are vividly portrayed. The failure of American socialism is acutely explained.

All in all, the book is one of the most suggestive contributions to recent politico-social literature. Even if we disagree with certain of its conclusions, we must enjoy the brilliancy and sincerity of its efforts.

OSCAR JÁSZI.

Oberlin College.

State Administrative Supervision over Cities in the United States. By SCHUYLER C. WALLACE. (New York: Columbia University Press. 1928. Pp. 288.)

Mr. Wallace has made a careful study of the methods of state administrative supervision over cities in the United States. This is based on an analysis of statutory provisions, data from official reports, and specialized studies, with additional information collected by corres-

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pondence. Limitations of time and facilities have prevented a more intensive and exhaustive investigation; but the materials available have been well analyzed and arranged.

An introductory chapter gives a brief survey, based on secondary sources, of the systems of central supervision in Prussia, France, and England. This is followed by a discussion of principles of administrative supervision, in which are examined the various methods of control—reports, inspection, advice, grants in aid, approval, review, orders, ordinances, removal, appointment, and substitute administration. Succeeding chapters consider the application of these methods in the different states, in the fields of public finance, public health, public education, dependency and delinquency, municipally owned utilities, and other functions. A summary of results reaches the general conclusion that state administrative supervision over cities has been making considerable headway in this country, and that the process of centralization may be expected to continue.

Little attention is given to the historical development of state supervision, or to the machinery of supervision; nor are there general comparisons as to the relative degree of supervision in different states. The present work gives a good general survey of existing conditions; but there is room for more intensive specialized studies of the situation in particular states and fields of administration. A number of studies of the earlier stages of this development were made several decades ago at Columbia University under the direction of Professor Goodnow. These might well be continued and made the basis for a more definitive appraisal of the movement as a whole.

JOHN A. FAIRLIE.

University of Illinois.

The Philippine Islands. By CAMERON FORBES. (Boston: Houghton Mifflin Company. Two volumes. 1928. Pp. xiv, 620; x, 636.)

In these two volumes ex-Governor W. Cameron Forbes has produced the most important book as yet written by an American about the Philippine Islands, and has made a distinguished contribution to the world's literature of colonial government. Mr. Forbes went to the Philippines in 1904 as a member of the Philippine Commission and secretary of commerce and police. In 1908 he became vice-governor, and a year later governor-general, holding the latter office until 1913. A New Englander possessed of assured position, wealth, and wide experience in large business affairs, he gave ten years of his life to

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devoted, constructive service of his country on her most distant frontier. Since 1913 he has maintained close contact with Philippine affairs and has made two long journeys through the Islands, one of them as a member of the Wood-Forbes mission of investigation. The book which he has now written is the fine fruit of this unique experience and of an infinite amount of painstaking, scholarly labor. In it are successfully combined the knowledge possessed by the responsible official and that obtained by the scientific historian who works from the documents. In the foreword, acknowledgement is made of the assistance of Frank W. Carpenter, another distinguished official of the Philippine government, whose period of public service ran from 1899 to 1923, and who "in effect made this work a compendium of Philippine history, with references to original sources." The author also has been able to command ample technical and clerical assistance of a high order and has made excellent use of such aid.

Based upon extraordinarily extensive documentary sources, supplemented and interpreted by intimate first-hand acquaintance with men and affairs in the Philippines, Governor Forbes' work possesses a technical excellence which cannot fail to command the respect of the professional historian. It is admirably proportioned, accurate, and written with the spirit and the technique of the scientific scholar, rather than of the special advocate or the reminiscent man of affairs. Yet, although the author's style is characterized by clearness and simplicity rather than brilliance, Governor Forbes' long story possesses a true epic quality. His recital of thirty years of history in the Philippines brings to the reader a vivid and true conception of the high purpose, the invincible will, and the unselfish spirit of those Americans who have made their country's rule over this distant Malayan people a blessing to the Filipinos, a benefit to the world, and a credit to itself. Nor does the former governor-general neglect to recognize either the contributions which the Filipinos have made to the remarkable development of their country or their high qualities as a people. He is scrupulously fair to them, and to those of his countrymen who have differed with him as to American policy in the Islands.

Governor Forbes, however, does not fail to express definitely and forcefully his own convictions as to America's record in the Philippines, and the principles which should continue to govern the relations between the United States and the Islands. "It is hard for any fair-minded person to study the course of events in the Philippine Islands," he declares, "without feeling that in the main the United States has

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succeeded in its effort to improve the condition of the Filipinos and to prepare them for nationality. . . . . All in all, there is abundant cause to feel that the great American statesmen concerned with Philippine development were wise and their policies fundamentally sound." The statesmen thus referred to are clearly McKinley, Root, Taft, Roosevelt, Wright, Wood, and Coolidge, and those associated with them in responsibility for the government of the Philippines. It is the policy of these Americans which Governor Forbes believes should be steadfastly followed until eventually it shall bring the Philippines either to the goal of a secure and genuinely independent place among the family of nations, or to a voluntary and mutually satisfactory association with the United States.

The two large volumes deal with virtually every physical factor, incident, activity, and personality which has vitally affected the Philippine Islands during the past thirty years. The work has, indeed, a distinct encyclopædic quality, which is heightened by the ease with which the excellent index makes accessible the vast amount of material presented. In dealing with each subject, especially in the long section concerning governmental activities, the author briefly and skillfully articulates the modern institution, service, or policy with its Filipino and Spanish antecedents. He then traces its development and presents the views of various observers and critics as to its worth. There is scarcely an important viewpoint, American, Filipino, or foreign, concerning any of the subjects treated that is not set forth in the language of those who held it. This characteristic adds greatly to the historical value of the book. The author's own characterizations and judgments of people and events are marked by caution and restraint. He has consistently softened or ignored the worst traits of the characters with which he deals. If this policy has diminished the vividness, and perhaps the reality, of his story, it has probably increased the permanent worth of his work.

Of supreme usefulness to serious students of Philippine affairs are the numerous data and documents which appear both in the notes and in the thirty-seven appendices to the text. Many of these tables and statements were obtained from official sources not open to the ordinary historian, or compiled from scattered and comparatively inaccessible documents. They contain the sort of material which is necessary for an understanding of events, but often extremely difficult to obtain. These documents, together with the author's own explanation of incidents in which he personally participated or of which he had first hand knowl-

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edge (as, for instance, the budget deadlock of 1910, 1911, and 1912), and numerous extracts from a personal diary that seems to be comparable with that of John Quincy Adams, make the book itself a primary source of first importance. Secondary material has been used widely and discriminatingly. It is surprising, however, that a number of valuable works by competent Filipino scholars have been ignored.

In preparing this fine account of America's trusteeship for the Philippines, Governor Forbes has added distinguished service as an historian to that which he has previously rendered as a statesman. In both fields he has merited the thanks of the friends of good government everywhere.

RALSTON HAYDEN.

University of Michigan.

Naboth's Vineyard; the Dominican Republic, 1844–1924. By SUMNER WELLES. (New York: Payson and Clarke, Ltd. 1928. Two Volumes. Pp. xvi, 496; vi, 497–1058).

Probably the development of no Caribbean state has been presented in such detail in English as is that of the Dominican Republic in these volumes. Mr. Welles had special fitness for his task through familiarity with Caribbean affairs by service on various special commissions, as chief of the Latin American division of the Department of State, and as American commissioner to the Dominican republic from 1922 to 1925. He had access to the unpublished materials in the Department of State, and, particularly for the last forty years, has relied upon information obtained from prominent Dominicans.

The events of the last half of the eighteenth century and of the "Haitian servitude" are covered in an introductory chapter as a background to the detailed study of the period since 1844.

American interest in the discussion lies in the degree to which it shows the development of ability to govern themselves among the people and in the relations of the United States to the island. Progress toward self-governing ability has undoubtedly been made. Hawking around to find someone—France, Great Britain, Spain, or the United States—willing to take a protectorate over the country, or annex it, such as occurred during the years following 1844, could not openly be done by a present-day dictator; even Heureaux stopped short of that. Mr. Welles finds the Dominican Republic working toward national

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consciousness and toward greater ability in self-government in spite of the clashing interests of foreign powers, the plans of concessionaires and loan-makers, the treasonable desires of many of the dictators, and the inexperience and ignorance of the people. A spirit of nationality has undoubtedly developed. On the other hand, the story shows the continuance of the old curse of personalism even down to our own day, which creates doubts as to the degree to which Mr. Welles' optimistic view as to the future is justified.

Neither Americans nor Dominicans can be uniformly proud of the story of the international relations of the republics, or at least of the record of all their representatives. There have been oustanding patriots in both lists, but there is a too generous sprinkling of men whose personal and official records leave much to be desired. There is, however, no comfort for those who believe that the United States government has pursued a covert policy looking toward overthrowing Dominican independence.

Special emphasis is laid upon the attitude of recent American administrations. President Roosevelt's agreements are commended. The Taft "dollar diplomacy" régime is severely criticized. Altruism in the earlier Wilson declarations is shown to have been followed by a harsher policy resulting from too great reliance on subordinates. The military occupation is shown to have produced anti-American feeling which it will take years to overcome. The Harding-Coolidge administrations are found returning to correct standards in Dominican relations.

In a concluding chapter, the need of a consistent policy of coöperation to eliminate causes of unrest among the peoples southward is emphasized. Such a policy, it is argued, must be constructive and not merely remedial. Among the obstacles to friendly coöperation in the past Mr. Welles finds the American tariff in the forefront. Whatever the defects of the tariff, this conclusion is difficult to follow; for the important Caribbean products, with the exception of sugar and tobacco, find in the United States a market where tariffs are low or nonexistent. No close student of Latin American relations, however, can fail to agree that a forward policy based on mutual interest is desirable both for the United States and for its neighbors.

The book lacks an index and an adequate map. The bibliography is full but in very irregular form.

CHESTER LLOYD JONES.

University of Wisconsin.

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American Foreign Relations. By JOHN M. MATHEWS. (New York: Century Company. 1928. Pp. xii, 604).

In view of the present tendency in professorial circles to indict on all counts the recent and present foreign policy of the United States, there are many passages in Dr. Mathews' book which should meet with the cordial approval of the academes. He finds much to criticize in American diplomacy, although he states that "in spite of the doctrine of manifest destiny and a somewhat imperialistic trend of our Latin American policy, our diplomacy has been characterized by a desire for international justice, morality, and goodwill" (p. 17).

Constructive criticism is always valuable, but such criticism should at least present both sides of the proverbial shield. In his treatment of the Venezuela boundary controversy with Great Britain, Professor Mathews may be justified in describing the Olney note as "an example of shirt sleeve diplomacy at its worst" (p. 46), and the Cleveland message as expressed in "intemperate and unnecessarily offensive language" (p. 49). But he could also have pointed out that the note and message had a background of quite a few years of repeated, and always courteously expressed, requests to Great Britain to arbitrate the question, and that these requests were, practically speaking, ignored by the British government to an extent which tried even the patience of a Democratic president. It is but fair to add, however, that Professor Mathews does not apologize for the action of the Cleveland administration quite as much as some American academic authorities who have discussed the subject. He states that "the position which our government took in the Venezuela boundary affair may be too severely criticized" and "our espousal of the rights of a small nation . . . . breathed something of the same spirit with which we espoused the rights of Belgium" (p. 49). "We may have been hoodwinked by Venezuela into taking her side when she had no real case" (p. 49), but it is doubtful. Richard Olney was an able lawyer, and the decision of the arbitral tribunal on the important issue involving the mouth of the Orinoco River—a point not referred to by Professor Mathews—was against Great Britain's position.

The subject of the Pan-American Union could have been presented in a somewhat different manner. The author considers it, however under a sub-heading to his chapter (VII) on "The United States and the League," and as a result his discussion of the Union is largely subordinate to the League issue and the idea of "possible rivalry" (p. 149) between the Pan-American body and the League. Conjectures

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of this kind are of academic interest, but a chapter containing a survey of the achievements of the Pan-American Union since it was formed could have been added. References to the very important sixth Pan-American Conference are extremely brief, and the constructive diplomacy of Charles E. Hughes at the Havana gathering is not brought out. Furthermore, Dr. Mathews, in referring to the fight in the Conference over the non-intervention resolution, gives the impression that the opposition to the resolution came in the main from the delegation of the United States. A study of the discussions of the Conference will show that this was not the case, and that one of the outstanding leaders in opposing it was a South American, the distinguished Dr. Victor Maurtua of Peru. No mention is made of this, however, by Dr. Mathews. He could also have stated that after Mr. Cuadra Pazos, minister for foreign affairs of Nicaragua, made his speech of February 8, 1928, the non-intervention issue was not pressed.

The chapter (VI) on "Relations with the Far East" contains a brief but comprehensive review of this aspect of our foreign policy. The author's discussions of the Open Door, extraterritoriality, and the Washington Conference are admirable. His treatment of the Japanese immigration issue with particular reference to the events of 1924 is open to criticism. He may be justified in his belief that Congress failed to adopt a "sensible suggestion" (p. 99) when it refused to place the Japanese on the quota, as only 246 Japanese would be admitted per year under the 1890 census. He should have added, however, that one of the reasons why Congress did not do so was because if the Japanese were given the quota privilege, the Chinese could claim similar treatment, and he could have called attention to the fact that under the 1890 census more than 2,000 Chinese would be admitted annually. Dr. Mathews' statement that "when the note [of Ambassador Hanihara containing the phrase 'grave consequences'] was made public the Ambassador denied that it was intended to convey a veiled threat" is misleading. It would have been fairer to state that the "grave consequences" note was dated April 10, 1924, and that, according to Mr. Hanihara, it was not until "in reading the *Congressional Record* of April 14, 1924" he sent a note dated April 17, 1924, to Secretary Hughes in which the Ambassador explained that he had not meant "anything like a threat."

In the second part of the book, which deals with the conduct of American foreign relations, one finds little to criticize and much to praise. The chapter (XIII) on the State Department is excellent,

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and the same can be said regarding the chapters on the diplomatic service (XIX), the reorganized foreign service (XV), and the consular service (XVIII). The treatment of the difficult subject of diplomatic intercourse (Chaps. XVI-XVII) should please even the career diplomat, and students of international relations will gain much from reading the discussion regarding treaties and the treaty-making power (Chaps. XX-XXI, XXIII-XXV). Some of the author's conclusions pertaining to the agreement-making power (XXII) may be questioned by lawyers of the strict constructionist school, but until the Supreme Court has definitely ruled as to the legal status of executive agreements, judgment as to this must be deferred.

EDWARD C. WYNNE.

Washington, D. C.

Survey of American Foreign Relations, 1928. By CHARLES P. HOWLAND. (New Haven: Yale University Press. 1928. Pp. xiv, 610).

This first volume of a series of studies of American foreign relations to be made under the sponsorship of the Council on Foreign Relations indicates that we may at last look forward to a searching and exhaustive survey of the foreign relations of the United States by experts in the various fields. A feature of particular interest to the political scientist is that the studies are being made upon a topical rather than upon a chronological basis. Although the plan seems to be to select topics each year which have shown a special development that year, in every case the historical background has been given so completely that the studies form miniature monographs on the subjects considered.

The present volume is divided into five sections, as follows: (1) American Foreign Policy, (2) The United States as an Economic Power, (3) The United States and the League of Nations, (4) Financial Relations of the United States Government after the World War, and (5) Limitation of Armament.

The first section, which in its first two chapters considers the factors, forces, and traditions of American foreign policy, serves as an excellent background for the subsequent studies. The importance of economic facts, even when in conflict with political theories, is clearly recognized; for, as frankly stated, "our reverence of a tradition has had no claims upon the economic explorers . . . who are carrying American capital into the unexploited regions of the earth. They reck little of the doctrine of isolation . . . they involve us in a competition with the economic expansionists of other countries; they clamor for protection and assistance when concessions are in danger . . . . and in their eyes

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the responsibility of a government to protect its nationals and their foreign investments abroad takes precedence over the non-intervention theory and over its corollary, the Monroe Doctrine."

The third chapter, on domestic control, covers a phase of foreign policy too often overlooked. The situation faced by our government, considering that the occasions for friction between the executive and the Senate have increased from about one a year to fifteen a year, indicate the seriousness of the problem. The study of the State Department and its reorganization is particularly apropos, and it is to be hoped that Congress, which grants the departments of war $2,000,000 a day, may be induced henceforth to grant our department of peace more than $2,000,000 a year, its present net appropriation.

The second and fourth sections on economic, commercial, and financial policies of the United States before and since the war furnish a most illuminating survey, broad enough to cover the European problems as well as our relations to them. With the present interest in the problem of reparations and war debts, the comprehensive analysis here presented should prove invaluable.

The third section gives a remarkably clear and unbiased history of the relations of the United States with the League of Nations, from the program sponsored by the League to Enforce Peace to the present quasi-official coöperation. Although the onus of blame is placed upon the Constitution for the failure of the United States to join the League, the personal animus of Senator Lodge and the selfish partisanship of the Senate are in no way minimized. The narration of the efforts of the Harding administration to avoid all taint by refusing to reply to the League, or even to forward its communications to the proper persons, would be amusing if it were not so pitiably tragic.

The last section, on the limitation of armament, is a complete survey of the attempts which have been made, both inside and outside the League of Nations, since the World War. The analyses of the Washington and Geneva Conferences are particularly well done, and the suggestions for an Anglo-American naval understanding merit the careful consideration of the next conference.

The volume has been so carefully written and edited that it is hardly likely that many errors will be found. A question might be raised regarding the statement (p. 532) that the Four Power Pact was first proposed by the British and the Japanese, and that Mr. Hughes insisted upon the inclusion of France. According to Mr. Ichihashi, who as secretary to Viscount Kato was in a position to know, Lord

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Balfour astounded the Japanese by informing them that he had already discussed a triple or quadruple entente with Mr. Hughes, and once the arrangement was made, an invitation was given to France without any pressure upon the part of any one. One might also wonder why Mr. Hughes' valuable interpretations of the Monroe Doctrine have been entirely overlooked. But the scope of the work is so broad and its excellence so manifest that one can only hope that subsequent volumes will reach the high standard set by the first.

GRAHAM H. STUART.

Stanford University.

Far Eastern International Relations. By HOSEA BALLOU MORSE AND HARLEY FARNSWORTH MACNAIR. (Shanghai: The Commercial Press, Ltd. 1928. Pp. xx, 1128).

For a general survey of international relations in the Far East the student has usually relied upon Morse's *The International Relations of the Chinese Empire,* Cordier's *Histoire des relations de la Chine avec les puissances occidentales,* and Dennett's *Americans in Eastern Asia.* These three works complemented each other in a very useful manner. Morse was concerned chiefly with commerce, and his sources, especially in his first volume, were largely found in British blue books. Cordier used additional materials and stressed the rôle of France as the protector of Roman Catholic missions. Dennett, with unusual opportunities to examine the archives of the American State Department, and with no special emphasis upon either commerce or religion, was able to furnish some valuable correctives to both of the earlier studies. Cordier and Dennett bring the story down to 1901, and Dennett included Japan and Korea in his narrative. Morse, in three bulky volumes, comes down to the end of the Empire in 1912. Unfortunately, these three standard works are either costly or out of print.

To meet the real demand for a detailed survey of Far Eastern international relations, Professor MacNair, for many years on the staff of St. John's University, Shanghai, and now at the University of Chicago, has provided a condensation and enlargement of Morse's invaluable study. The condensation consists of the elimination of a large amount of detail, especially that dealing with the commercial aspects of the treaty relations. The enlargement is found in chapters which bring the international relations of Japan into the story and continue the narrative from 1912 to the assassination of Generalissimo Chang Tso-lin, at Mukden, in June, 1928. The result is a stout

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volume of 1056 pages of text, with seventy-two pages of bibliography and index in addition.

That Dr. MacNair has done his work well is beyond question. *Far Eastern International Relations* and the companion volume of source materials, *Modern Chinese History, Selected Readings*, should be on the shelves of every library where the literature of Far Eastern history is assembled. Bearing in mind that the work began as a condensation of a treatise which dealt almost entirely with China, it is easy to understand the emphasis which is placed upon the affairs of that country. Perhaps when a definitive history of the foreign relations of Japan is written it will be found that in the period before 1912 the proportion of one to four does not quite represent the relative significance of the affairs of an Empire which is today actually, not merely potentially, one of the great powers of the world. But unfortunately there is no Morse or Cordier to fall back upon in this emergency. It is also probable that when better materials are accessible some of the estimates of the conduct of Japan will have to be freshly evaluated.

One of the most useful features of Morse's text was the full documentation, largely based upon British and American diplomatic correspondence. These citations have been omitted in MacNair's treatise, probably because of the frequent references to the source volume, and in the continuation chapters reliance has had to be placed upon secondary works of, at times, very doubtful value. The accessible diplomatic documents, for example, would permit a rewriting of the statements as to how Japan entered the World War, as to the progress of the negotiations resulting from the Twenty-one Demands, and as to the origin of the Lansing-Ishii notes. These comments are made, not to lessen one's admiration for Dr. MacNair's treatment of a very controversial period, but to suggest the value of the new materials which are coming out of the European and American foreign offices.

In the last chapter, which is entitled "The Far East in 1927," but which covers the rise of Nationalism in China since 1923, Dr. MacNair evinces a sense of reality in dealing with Chinese politics which at times seems to be lacking before 1923. The events of 1926–1928 in China produced, on the part of many foreigners there, an appreciation of the difficulties which Japan earlier faced in dealing with Chinese war lords and politicians. That Japan made many blunders in dealing with China after 1905 is apparent, but it must not be forgotten that Chinese officialdom made blunders almost inevitable.

PAYSON J. TREAT.

Stanford University.

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International Law. By L. Oppenheim. Vol. I. Peace. Fourth Edition. Edited by Arnold D. McNair. (New York: Longmans, Green and Company. 1928. Pp. l., 827.)

A new edition of Oppenheim's classic treatise is always an event among scholars. The second edition of 1912 was from Oppenheim's own hand, and it will always be valuable as giving us the author's progressive views of international law on the eve of the great war which was to bring about so many changes in the accepted rules. Roxburgh's edition of 1920 (Vol. I), 1921 (Vol. II), incorporated into the text much new material partly gathered by the author before his death in 1919. Professor McNair's fourth edition of Vol. II in 1926 introduced even greater changes, and now that it has been followed by the new edition of Vol. I, the two volumes should properly be referred to as McNair's *Oppenheim.*

The chief merit of Oppenheim's treatise has always been its lucid presentation both of the general principles of the law and of the facts of international practice from which concrete rules of conduct may be drawn. But pervading the discussions of principle and practice was an ideal conception of a better ordered family of nations, a constructive national intercourse, a sense of law as the only alternative of force, a belief in the "eternal moral and economic factors" working in favor of the development of international law. Oppenheim's idealism, however, did not in any way interfere with his careful and balanced statement of conflicting views in matters where principle was not clear and practice was at variance. The partisan logic of Hall was noticeably absent from his pages; and he brought to the Anglo-Saxon interpretation of international law a needed corrective in his references to Continental treatises.

The editor's contributions to the present edition cover the numerous restatements of the law called for by the events of the past eight years. The sections dealing with the Covenant of the League of Nations are rewritten and new sections are added dealing with related matters, such as mandates. Further new sections of importance deal with the protection of minorities, the International Labor Organization, the recognition of states and governments, and contract debts. In addition, two very useful appendices contain a list of the more important general conventions of a non-political character and a list of labor conventions and recommendations. The bibliographies and the foot-note references have been brought up to the date of publication.

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Professor McNair deserves our thanks for the great service he has rendered. His was a task which required scholarship and patience, and his reward must be the knowledge that he has given a further long lease of life to a treatise which otherwise might have shared the fate of classics that have come to have only an historical interest.

C. G. FENWICK.

Bryn Mawr College.

Losing Liberty Judicially: Prohibitory and Kindred Laws Examined. By THOMAS JAMES NORTON. (New York: The Macmillan Company. 1928. Pp. xvi, 252.)

Mr. Norton, of the Chicago bar, whose book on *The Constitution of the United States* appeared in 1922, here devotes himself to recent invasions of the liberty articles by Congress or the state legislatures as sustained by the Supreme Court. His volume is devoted mainly to such decisions arising under the Eighteenth Amendment. He, however, wisely objects to the use of the words "wet" and "dry." The almost unanimous objection of the bar, and that of most patriotic Americans, to that portentous change in our government is due, not to any predilection for alcoholic drink, but to the fact that it nullifies the Ninth and Tenth Amendments and the Bill of Rights, and because it destroys the whole fabric of our federal government and entails consequences destructive of individual rights to liberty, law, sanctity of the home, and trial by jury.

Much space is given to discussion of Mugler v. Kansas and other cases which justified the invasion of property and contract rights under the prohibition movement. This water has passed under the bridge; and it is useless to criticize Supreme Court decisions except on the Constitution itself and constitutional questions, where no doctrine of *stare decisis* applies. The same may be said of the author's challenge of the Amendment as not properly proposed and adopted; though it must be admitted that his argument against the vote of two-thirds of a mere quorum being sufficient appears rather convincing.

Beginning with an historic disquisition upon the English doctrine of liberty, pointing out that it began in religious affairs before being extended to secular, discussing the American invention of a judicial safeguard, showing that the Eighteenth Amendment was unnecessary, unfairly adopted, and against the whole spirit of the Constitution, Mr. Norton lays down (p. 32) one luminous and novel thesis—that the Tenth Amendment should be construed liberally, just as we construe

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liberally those clauses which confer powers on the federal government. He then (p. 90) comes to concrete cases, beginning with Mugler v. Kansas, and ending with Crane v. Campbell (1917), which said that the mere possession of liquor might be made criminal by statute, and the transportation thereof also (U. S. v. Simpson, 252 U. S. 465).

The last third of the book is given to a discussion of some of the channels through which our liberties are being "judicially" lost—the Oklahoma bank guaranty case, the Interstate Commerce Commission's order for track elevation of the Erie Railroad, the Michaelson case under the Clayton Act taking away the power of equity courts to punish in contempt process acts which are otherwise criminal (266 U. S. 462), Daugherty's habeas corpus process against detention by the Senate for refusing to testify (273 U. S. 135), and the attempt of the commonwealth of Massachusetts and one of its citizens to resist taxation to support the federal "Maternity" Board, created under one of the objectionable "fifty-fifty" acts of Congress (262 U. S. 467). The conclusion is that "the judicial department of our government is, as the writers of the Constitution believed, indispensable to liberty and in need always of the support of the people. Only a people indoctrinated by the schools with our philosophy of government can be capable of holding a President and Congress"—and, we might add, their own legislative omnipotence—"where they belong."

While, naturally, not all of the arguments in this book are therein advanced for the first time, we may safely say that the more of such books the better.

F. J. STIMSON.

Dedham, Massachusetts.

The Irish Free State, 1922–1927. By DENIS GWYNN. (London: The Macmillan Company. 1928. Pp. xvi, 436.)

A steadily growing literature on the new Ireland is enhanced by the appearance of this solid survey of six years of Irish political and economic development by the distinguished author of *The Catholic Reaction in France.* He has packed into 400 clearly, if not often colorfully, written pages a vast store of information, reliably documented, about the remarkable work of the brilliant young state-builders of Dublin since the treaty of 1921. As never before, the reviewer had driven home to him by Mr. Gwynn's analysis what difficulties they had to contend with, what daring and sagacity they possessed in carrying along their sweeping administrative and economic reorganization.

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Who would have thought so much could be accomplished in a short six years? Here is a bare enumeration of the more striking items in the catalogue of achievement: the amalgamation of forty disjointed boards and departments into some seven integrated administrative agencies; a complete reform of local government and poor relief; extensive primary and secondary educational reform, under a bilingual and state-aided arrangement; drastic measures for the upbuilding and sanitation of Irish agriculture, so that Irish eggs and cattle will really sell abroad; and above all, the bold Shannon River electrification project that bids fair to revolutionize Irish industry and transportation.

One wishes that Mr. Gwynn had devoted a chapter or two of his interesting book to a psychological examination of the background and qualities of leadership that enabled Cosgrave, O'Higgins, Hogan Blythe, and their like to succeed where men of less heroic stuff would have failed. For they have had to build out of anarchy and chaos, with a declining population, at least a third of which was in chronic poverty, and without East Ulster, the industrial heart of the country. Yet it is a story of optimism, and the author believes that the advent of the Republicans in the Dáil will pave the way toward an eventual reconciliation of Ulster and the Free State.

Those chapters of the book dealing with constitutional developments—the oath of allegiance controversy, the Senate and its dubious P.R. system of election, and the Commonwealth and external relations of the Free State—impressed the reviewer as being a little less lucid, a little less logically arranged, than the part which treats of social and economic matters. One regrets that neither the treaty nor the constitution was given in full text as an appendix to the volume. Maps showing the political, populational, and economic texture of Ireland would also have been useful, especially to American readers generally ignorant of Irish geography. And if Mr. Gwynn could have flashed more frequently a certain illuminating epic quality of style that now and then reveals itself in his pages, his book would have greater literary merit, and perhaps attract more lay readers.

These shortcomings apart, the volume stands as a noteworthy contribution to our knowledge of the new Ireland and its pioneering government, which, as Mr. Hogan, its minister for agriculture, so dramatically put it, was "determined to 'give the people something big to think about' in the years of despondency and distrust that followed upon the establishment of the Free State" (p. 321). Many

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an older minister of smaller courage, in richer and supposedly more advanced countries, might well ponder the meaning of this dictum.

WALTER R. SHARP.

University of Wisconsin.

The Works Council: A German Experiment in Industrial Democracy. BY C. W. GUILLEBAUD. (Cambridge: The University Press. 1928. Pp. x, 305.)

Citizenship in the Industrial World. BY G. A. JOHNSTON. (London: Longmans, Green and Company, Ltd. 1928. Pp. viii, 297.)

To the student of government, one of the most interesting features of the constitution of the German Republic adopted in 1919 is Article 165. Born of the workers' committees forced upon the imperial government by the exigencies of the war in 1916, and thrust into the constitution against the will of a labor government, this article envisages an industrial democracy of the broadest character. A democratic state not merely gives legal recognition to organized labor and organized capital and to their mutual agreements, but it calls upon all employees to coöperate, "with equal rights in common with employers," in the regulation of wages, working conditions and the whole economic development of production. It gives them a constitutional right to form local, regional, and federal workers' councils, and requires the establishment of regional and federal economic councils of employers, employees, and other interested sections of the community, "so constituted as to represent all important occupational groups in accordance with their respective economic and social importance." Finally, the Federal Economic Council is granted the right to be consulted upon bills of fundamental importance relating to social and economic policy, and even to initiate such bills and support them in the Reichstag.

It all smacks decidedly of socialism and has a strong pluralistic odor. But in this day and age when political science no longer confines its attention to things structural and shows an even keener interest in functional questions, we care less for the name by which an institution is called and more for the way it works. Particularly in the United States, where group representation is heretical (in spite of our congressional "blocs"), where the shop committee system is advancing so cautiously, and where governmental regulation is rather on the defensive, it should be especially interesting to learn how an experi-

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ment inadmissible here is faring in another large industrial country.

Mr. Guillebaud's *The Works Council* is an excellent attempt to give us that information. He does not deal with the political functions of the Federal Economic Council, but, as the title indicates, confines himself to a survey of the operations of the works councils set up under the act of February 4, 1920, the half-hearted legislation passed to give effect to the first part of Article 165. He covers the period from 1920 to the middle of 1926, tracing year by year the inter-relationships between the works councils and the trade unions and between the councils and the employers, and reviewing and appraising the achievements of the councils in the more important matters committed to their charge.

No conclusive answer can yet be made, he thinks, to the question as to the success of the scheme. It was inaugurated under difficult conditions and found it hard to rid itself of Bolshevist influences. Employers were fearful and hostile, and the trade unions were apprehensive lest the works councils should become rival labor organizations and imperil the position of the unions. During the whole of the five-year period under examination there were decidedly abnormal economic and political conditions. Still he thinks the councils have been, on the whole, a constructive force in German industry, and the ablest leaders of the unions now regard them as indispensable in the progressive reorganization of labor.

The author quotes many illuminating passages from government reports and trade and labor periodical literature, and adds the text of pertinent legislation, as well as other interesting material, in several appendices. He evokes one's confidence by the scholarly impartiality with which he points out the mistakes made by both employers and employees, and sums up his conclusions in a very instructive chapter.

In *Citizenship and the Industrial World*, Dr. Johnston draws with sweeping strokes a picture of the citizen of the modern state conditioned as he is by the complex industrial environment. The development of industrialism has profoundly changed the conception of citizenship, which now involves not only an attitude toward the state but also an intricate system of relations between the individual and various associations and societies which have claims on his allegiance. Good citizenship, it is asserted, calls for the harmonizing of all his loyalties, a result attained by the activity of the state in coördinating and regulating all other associations. Most of the book is occupied with a sketchy description of the salient characteristics of the modern

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industrial order, and with a review of the regulatory devices evolved for the purpose of keeping the dominant loyalty of the citizen-producer and the citizen-consumer a loyalty to the community as a whole. The author leaves with his reader an impression that practically all of the governmental regulation of economic activities of recent years has been undertaken to improve citizenship and is cast in the mold of community-mindedness. While this is far too rosy a view, there can be no question as to the importance of insisting that the social motive should be dominant in our economic politics. A democratic government should not protect and assist special economic groups at the expense of the general weal. Dr. Johnston not only demands that all the streams of regulatory legislation shall run into the river of good citizenship, but by numerous examples he illustrates the possibility of such an orientation.

A. R. ELLINGWOOD.

Northwestern University.

The Worker Looks at Government. By ARTHUR W. CALHOUN. (New York: International Publishers. 1927. Pp. 176.)

Mr. Calhoun recites for us once more the familiar bed-time story wherewith Dame Socialism regales her children about the ogre Capitalism, who is made to masquerade this time in the genial garb of Uncle Sam. Economic process makes goods, political process takes them—is, in other words, predatory (p. 13). So far, therefore, is government in the United States, or anywhere else in this capitalistic world, from being service, that it is exactly the contrary. It is, so far as the masses are concerned, exploitation, although the fact may be sugar-coated by education, propaganda, hero worship, and the like. Yet there is one bright spot in the story, a Little Red Riding Hood. For "Labor's struggle for political power," we are assured, "is not for the purpose of taking the place of the present exploiters, but for the purpose of replacing government . . . . by economic administration on the principle of 'value for value' " (p. 40).

Unfortunately, the cause of this elevation of motive on Labor's part, representing as it does so sharp a divergence from the previous course of history, is not mentioned by Mr. Calhoun. It may be due to a nobler kind of human nature in Labor, or to Labor's present unfavorable situation. If the latter, it would be too bad to lose this leaven of good intention from the social lump.

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Nor is this the only point at which Mr. Calhoun seems to fall into inconsistency. On page 103 he scouts the idea that a judge can assume a detached and disinterested position, or indeed that such a position exists. "To suppose," he says, "that it could [exist] is to presume the existence of an unchangeable right and justice, whereas views of right and justice change with changing conditions." On page 165 he praises the socialistic organization of an unnamed Florida city for refusing to prefer its own political advantage to the political right of the negroes: "The socialists knew," he says, "that they had no right to trade it [the negroes' right] away." So, whether standards of right change or not, there can be such a thing as "right" distinct from expediency; and if this is true, why cannot a judge perceive it? Or must we still entertain the assumption of the superior moral perspicacity of Labor? The fact of the matter is that the history of the law furnishes impressive evidence of the existence of comparatively unchangeable standards of right and justice.

In Chapter x Mr. Calhoun deals with "The Problem of the Supreme Court." He says some severe things, but his severity again is an appeal to standards other than of economic advantage. Thus he has little difficulty (pp. 116–17) in showing the first child labor decision to be a right-about-face on the part of the Court from previous decisions. But if the Court was fulfilling the rôle of a mere instrument of Capital in making this *volte face*, what rôle was it playing earlier? It would be a very unsatisfactory answer to say that the Court felt that conditions had changed.

Mr. Calhoun's volume contains numerous illustrations of the penetrative value of a selective point of view, but as a text-book on government it is absurd. So broad a landscape cannot be viewed from a single angle without distortion.

EDWARD S. CORWIN.

Princeton University.

Judicial Interpretation of International Law in the United States. By CHARLES PERGLER. (New York: The Macmillan Company. 1928. Pp. x, 222.)

This little volume purports to present a brief survey of the principles of international law governing the relations of states as interpreted by the courts of the United States. The author devotes a chapter each to the acceptance and enforcement of the law, independence and sovereignty, jurisdiction of states, citizenship and alienage, treaties,

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and remedial measures falling short of war. These chapter headings are misleading. For example, under independence and sovereignty the author considers recognition, kinds of government, belligerency, rights, duties, responsibilities, and the continuing personality of states, in addition to the nature, acquisition, and loss of sovereignty. Not all of the chapters are as badly done: his treatment of citizenship, expatriation, and the rights, duties, and disabilities of aliens is as good as the usual treatment of these subjects.

In general, the writer has disregarded the facts of the cases considered and thus fails to distinguish clearly and accurately at all times between law and *dicta*. Such treatment leads one to suspect that the author has not properly digested and clarified some parts of the material presented. Furthermore, the numerous articles covering the subjects treated in this volume which have appeared in the Columbia, Harvard, Michigan, and Yale law school publications seem to have been completely overlooked by Mr. Pergler. To the reviewer, it appears that there is little to justify the publication of the volume.

JOHN G. HERVEY.

University of Pennsylvania.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND CONSTITUTIONAL LAW

The Widening Scope of American Constitutions, by Sister M. Barbara McCarthy (Catholic University of America, Washington, D.C., pp. 134), outlines the expansion of state constitutions from the simple framework of the eighteenth century to the lengthy document of the present day and explains the reasons for this growth. There is little in the book that is new, but it contains a convenient summary of the development of provisions for increasing popular control over state government, and for the regulation of social and economic institutions such as education, labor, corporations, banking, prohibition, and local government. The study evidences the author's diligence, but some statements of fact and opinion may be questioned, e.g., the assertion that "the idea that the colonies had the right of revolution" was one of Blackstone's "definite teachings, which gave legal form to democratic ideas of government" (p. 2), and the assertion that the "present fundamental law" of Massachusetts "continues to be used [based] on the system of town government" (p. 15).

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Administrative Reorganization in California, by W. W. Mather (Chaffey Junior College, Ontario, California, pp. 84), not only traces the history and actual results of the reorganization movement in that state but also outlines a tentative plan for reorganization by constitutional amendment. Contrary to the general belief, the author points out that the demand for administrative reorganization in the American states is not confined to the last few years of the twentieth century but goes back at least as far as 1871. Also he explains how the movement was postponed by certain cross currents, especially the so-called Progressive movement sponsored by Roosevelt, which turned the minds of reformers to direct legislation, and the new type of executive leadership represented by strong governors like Roosevelt, Hughes, and Wilson.

Teachers of introductory courses looking for suggestions concerning assigned readings and the arrangement and presentation of material will find much to interest and help them in a *Manual of American Government* (Western Reserve University Press, pp. 153) prepared by Earl L. Shoup. The booklet contains lecture and discussion topics, required readings, selected references for optional reading, and a list of current political happenings for observation and study.

The Foundations of the Constitution, by David Hutchison (Grafton Press, pp. viii, 406), is an annotation of each clause in the Constitution. It traces in constitutional history prior to 1787 the roots of the supreme law, the protection of contracts, freedom of speech, due process of law, etc. No attempt is made to evaluate the political, social, and economic fruit which the Constitution has brought forth.

The World Book Company has published a *Civics and Government Test* (pp. 16) for high schools and colleges, prepared under the auspices of the American Council of Education by Professors Robert D. Leigh, Joseph D. McGoldrick, Peter H. Odegard, and Ben D. Wood. The test is made up of 108 true-false statements, 13 groups of items to be matched, 24 multiple choice questions, and 25 short answer questions. The questions cover both facts and relationships in government, the technical vocabulary of the subject and underlying principles.

The National League of Women Voters has issued pamphlets on *County Government* (pp. 44) and *Corrupt Practice Legislation* (pp. 75).

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FOREIGN AND COMPARATIVE GOVERNMENT

In his *Economic Nationalism of the Danubian States* (Macmillan, pp. xxvi, 609), Leo Pasvolsky has admirably carried out his purpose of analyzing the problems of post-war Austria, Hungary, Czechoslovakia, Rumania, and Yugoslavia. The question he poses is "Nationalism or Unity?" The question remains unanswered, but it is the inevitable conclusion arrived at after a searching inquiry. No one interested in the economic and political problems of Europe today, or in the general problem of peace, can omit this work from his reading list. Of the present Danubian states, only Bulgaria is not treated, the reason being, as the author states, that a separate study is forthcoming on that country. Part I presents a survey of the pre-war economic situation in Austria-Hungary, Serbia, and Rumania, followed by a description of the financial and economic elements involved in the dismemberment of the dual monarchy and the creation of the new states. Parts II to VI present in detail the economic situation of the five new states. In Part VII the author sets forth the factors involved in the Danubian situation as a whole, and attempts to appraise them both for the present and for the future. The *Anschluss* of Austria with Germany appears as almost inevitable. No portion of the world presents a more complex situation than does this traditional breeding-ground of wars. Its problem, for the present at least, seems insoluble. Intensified nationalism, with fierce animosities caused by the redistribution of boundaries and populations, is intimately intertwined with the question of tariffs and economic barriers. The will to maintain themselves as independent entities has furthered the industrial ambitions of these states to an exaggerated degree. Whether or not the cold facts of economic necessity will eventually force some reconciliation remains to be seen. M.W.R

The Macmillan Company has published a *Memorandum on Resignation: August, 1914,* by John Viscount Morley (pp. xx, 39). Among the various "revelations" of the inner workings of the minds of men and of cabinets in the critical days immediately preceding and accompanying the outbreak of hostilities in 1914, none is more revealing than the reasons Lord Morley gave to the world—and to himself—in this memorandum. "My days were dwindling, I was a notorious peace-man and little-Englander, etc." "No political rumination of mine, again, could ever leave out the effect of war upon Home Rule.

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What more certain to impair the chances of a good settlement of Home Rule than the bottomless agitation of a great war?" "I saw no standard-bearer. . . . . The motives of Lloyd George were a riddle. . . . . In plain truth the Liberal party was already shattered and could not win the approaching election, mainly owing to Lloyd George himself. He was on the eve of the greatest mistake of his life. . . . . For me at any rate—*the future being what it must inevitably be*—no choice was open." It is an extraordinary revelation of a man's mind, and of the various considerations which confront him at such a time as this—Home Rule, the Liberal party, Lloyd George—amid chaos. Grey was simpler. He saw Germany a great "European aggressor, as bad as Napoleon"; and he put all else aside. And which was "right"?—as we say, somewhat ineptly. And who can ever tell? Only those brave spirits to whom that "truth" which is concealed from the rest of us is clearly revealed—by their own prepossessions. W.C.A.

Russia in the Economic War, by Baron Boris E. Nolde (Yale University Press, pp. xvi, 232), is published by the Division of Economics and History of the Carnegie Endowment for International Peace in the Russian Series of the *Economic and Social History of the World War*. The author brings to his task an authoritative knowledge of international law and an intimate acquaintance with Russia's foreign affairs. He reaches the conclusion that Russia, at the beginning of the war, had made no definite plans regarding the treatment of enemy nationals and of trade across German and Austrian borders. Increasingly severe measures, however, were adopted by the Russian government as a result, first, of the Russian people's demand for retaliation and, second, of the Allies' efforts for economic coöperation. In an attempt to throw off the "German yoke," the Russian government expropriated land owned by enemy nationals and liquidated a number of enemy commercial firms and industrial undertakings. It took steps to prevent the export of goods to enemy countries; its policy toward imports from Germany, however, was characterized by leniency. War legislation became merged in Soviet legislation in 1917, and intercourse between Russia and her enemies was reëstablished by the treaties of Brest-Litovsk. Mr. Nolde's clear and concise study should prove of interest to the student of international law and of international trade. Its value is increased by the documents contained in the appendix. V.A.M.

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The last fruits of the late Professor Cephas D. Allin's prolonged and highly productive study of the affairs of the British Empire is a monograph entitled *Australasian Preferential Tariffs and Imperial Free Trade* (University of Minnesota Press, pp. 228). An earlier monograph, published in 1918, traced the tariff relations of the Australian colonies from their beginnings to the colonial conference of 1863. The present study carries the story forward to "the rise of the spirit of Australian nationalism"—more specifically, to the passage of the Australian Colonies Customs Duties Act at Westminster in 1873, marking, as Professor Allin rightly says, the fiscal emancipation of the colonies to which the measures applied. The study is based on original sources throughout and, taken in conjunction with Professor Paul Knaplund's recent *Gladstone and Britain's Imperial Policy*, may be regarded as definitive for the period. Along with the monograph is appropriately printed an interesting memorial sketch of Professor Allin prepared by his colleague, Professor William Anderson.

The Council on Foreign Relations has published a new edition of its *Political Handbook of the World* (Yale University Press, pp. 198), edited by Malcolm W. Davis and Walter H. Mallory. As in earlier editions, there are carefully authenticated lists, country by country, of principal public officials, parties and their programs, and newspapers (with political affiliation, if any) and press associations. For the first time, the United States is included. There are few more useful handbooks for students of political and world affairs.

Europe: A History of Ten Years (Macmillan, pp. vii, 428), by Raymond L. Buell, covers the period from the treaty of Versailles to 1928. The author lays special stress on governmental developments and problems, political parties, and international relations. In preparing the material the author had the assistance of the research staff of the Foreign Policy Association. The book should furnish excellent collateral reading for a course in European governments.

Among various new collections of constitutional texts is B. Mirkine-Guetzevitch's *Les Constitutions de l'Europe Nouvelle* (Libraire Delagrave, pp. 412). As the title indicates, only the new constitutions of Europe are included—some seventeen in number. Among the German Länder, only Prussia and Bavaria are represented. All of the documents appear in French. The book opens with an excellent fifty-five page "synthetic essay" on the characteristics and tendencies of the constitutions as a group.

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The Economic, Financial, and Political State of Germany Since the War (Yale Univ. Press, pp. 134) comprises a series of six lectures delivered at the Williamstown Institute by Dr. Peter P. Reinhold, formerly finance minister of the Reich. Into the story of the vicissitudes of German finance before and after the stabilization of the mark is woven the history of German reparations down to the Dawes Plan and the consequent problem of transfer.

Although *The History of British Civilization*, by Esmé Wingfield-Stratford (Holt, two vols., pp. 1332), does not cover the subject from the standpoint of the political scientist, and although the subject of constitutional development may at times seem to be neglected, the interestingly written volumes offer a new view of a hackneyed subject.

INTERNATIONAL LAW AND RELATIONS

Not only the source material but also the secondary writings on the problem of war origins have, in the past decade, become so numerous that only the specialist can hope to keep abreast of the literature. Under these circumstances, *The Origins of the World War*, by Sidney B. Fay (Macmillan, two volumes, pp. xxii, 551; xvi, 577), is to be the more warmly welcomed. It may be said without fear of contradiction that for all general purposes it contains everything that the average interested person need know about this intricate and important subject. The author has spent more than eight years in the preparation of this exhaustive treatise; he has worked over all the source material and is thoroughly familiar with all the previous treatments of the subject. He is, furthermore, a writer of singular balance—open-minded, clear, and of sound judgment. His book is, beyond question, the best single work on the subject in any language. Of the two volumes, the first is devoted to the period from 1870 to 1914, while the second treats of the July crisis which led to the outbreak of the conflict. In the first the reader will find a compact systematic history of the development of international relations after the Franco-German War, the emphasis being placed on the period of the great crises from 1905 to 1914. The treatment of the complicated question of English obligations to France and the account of the involutions and evolutions of the Near Eastern situation appear to the reviewer to be particularly masterly. In the second volume the diplomatic negotiations following the assassination of the Archduke are described in great detail, but no effort is made to rank the powers according

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to their responsibility. Fay contents himself with a summary of the policy of each of the leading participants, pointing out what seem to him to have been the chief commissions and omissions. It need hardly be said that he rejects entirely the theory of the sole responsibility of Germany, and that he regards Article 231 of the Versailles Treaty as entirely unfounded in fact. W.L.L.

In an historical survey entitled *The Washington Conference and After* (Stanford University Press, pp. vii, 443), Yamato Ichihashi, who is a professor of Japanese history in Stanford University, has made what he terms an objective study of the international situation surrounding the Washington Conference. The result is not polemic, but like most political studies it is far from qualifying as an objective piece of work. Indeed, much of its value lies in its subjectivity. It turns out to be a defense of Japan, but not without an occasional lashing. Both Great Britain and the United States are sympathetically dealt with, perhaps with too great leniency. In general, the work includes an account of the events leading up to the Conference and a detailed study of the conference itself, with a critical estimate of its achievements. The chapters dealing with the limitation of armaments are rather eclectic, being given over more to a collection of opinions than to an independent, critical analysis. By far the most interesting chapters in the book are those dealing with the Pacific and the Far East. M.W.R.

The Macmillan Company has brought out *A History of Christian Missions in China* by Kenneth Scott Latourette (pp. xiv, 930). Three-quarters of a century ago, when Abbé Huc wrote his *Christianity in China, Tartary, and Tibet,* Catholic missions in the Chinese Empire were maintaining but a precarious existence, while Protestant activity was represented only by a handful of workers located at the treaty ports. Since the days of Huc, much has been written—by critics and by advocates—on the subject of Christian missions in China; but it has remained for Professor Latourette to put into a single work a scholarly and authoritative treatment of this phase of China's relations with the western world. The care with which the subject is covered may best be illustrated by the author's allotment of space to the various periods of time: 281 pages are devoted to the history of early Christianity and of modern events down to the treaty settlement of 1856–60; the Boxer episode ends on page 526; the out-

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break of the World War appears on page 686; and events since 1914 are covered in the final 157 pages of the text. Pages 845–899 contain an extremely thorough bibliography, which, with the wealth of footnote material, makes the book of inestimable value to all students of modern Chinese history. G.N.S.

The proceedings of the Academy of Political Science in the City of New York for January, 1929, contain a series of addresses and papers on *The Preservation of Peace* (pp. 131), presented at the annual meeting of the Academy on November 23, 1928. These deal largely with the Kellogg Peace Pact and methods for the settlement of international disputes.

The University of North Carolina Press has issued a debate handbook on *The World Court* (pp. 104), compiled by E. R. Rankin.

LOCAL GOVERNMENT

The New Day in Housing (John Day, pp. vii, 208), by Louis H. Pink, a member of the New York State Housing Board, narrates in interesting fashion what the European cities of London, Amsterdam, Brussels, Cologne, Frankfort, and Vienna have done to improve housing conditions; discusses the results of the garden city movement abroad and in the United States; describes the activities of the Metropolitan Life Insurance Company, John D. Rockefeller, Jr., and the Amalgamated Clothing Workers in building tenements in New York City; and explains what New York is attempting to do through the State Housing Board to solve the problem. The author is an ardent advocate of coöperative housing, tax exemption, and public aid to housing. The book contains over fifty excellent illustrations and includes an introduction by ex-Governor Alfred E. Smith.

The City Manager Plan in Iowa (pp. 152), by John M. Pfiffner, is a detailed study of the history and operation of that form of government in the thirteen Iowa cities and towns operating thereunder. In the author's opinion the manager plan has been a success. Although at least three cities have rejected the plan, none of the municipalities adopting it by charter has abandoned it. The study is reprinted from the October, 1928, and January, 1929, numbers of the *Iowa Journal of History and Politics* (Iowa City).

Among principal features of *Proceedings of the Seventeenth Annual Meeting of the Governmental Research Association*, published by the

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Association (mimeographed, pp. 151), are papers by Stephen B. Story on municipal research and the city manager, Charles A. Beard on the city's place in civilization, Joseph P. Harris on the practical workings of proportional representation in American cities, Wylie Kilpatrick on instruments for civic reporting, and Herman C. Beyle on objective studies as a basis for fundamentalized government reporting.

Those interested in the legal aspects of municipal government will find a useful article on "Discretion of Courts in Actions to Dissolve Municipal Corporations," by Charles W. Tooke, in the January number of the *New York University Law Review* (pp. 112–128).

Students of municipal history will find much of interest in T.R.S. Broughton's *The Romanization of Africa Proconsularis* (Johns Hopkins Press, pp. viii, 233). The book deals with Roman government and administration in the province of Africa and concludes with a lengthy chapter on "The African Municipal Anomalies."

POLITICAL THEORY AND MISCELLANEOUS

Whither Mankind? (Longmans, Green, pp. vii, 408), edited by Charles A. Beard, who contributes the introduction and epilogue, contains sixteen stimulating essays by such well known persons as Bertrand Russell, Beatrice and Sidney Webb, Howard L. McBain, Emil Ludwig, Havelock Ellis, James Harvey Robinson, John Dewey, and Hendrick W. Van Loon on subjects ranging from business, labor, law, and government to religion, the arts, and philosophy. The unifying assumption underlying the various essays is that "science and the machine have changed the face of the earth, the ways of men and women in it, and our knowledge of nature and mankind. . . . . Old rules of politics and law, religion and sex, art and letters—the whole domain of culture—must yield or break before the inexorable pressure of science and the machine." The volume rejects the pessimistic views of such writers as Chesterton, Belloc, and Spengler. While recognizing the evils brought by science and machines, the several authors "do not concede that any other system, could it be freely chosen in place of machine civilization, would confer more dignity upon human nature, make life on the whole richer in satisfactions, widen the opportunity for exercising our noblest faculties, or give a sublime meaning to the universe in which we labor. On the contrary . . . . they express a belief that there is in the new order of affairs a

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prospect for life on higher levels." The chapter on law and government is written by Professor H. L. McBain, who concludes that although there has been a reaction in Europe against state socialism, it appears that the "field of government ownership and operation will slowly widen" as a result of the machine system; that regulation will be administrative rather than judicial; that laws will multiply rather than diminish; that when public courts "fail in speed and justice, courts of private conciliation will supplement the tribunals of government," and that the "establishment of collective interest functioning through the state, instead of reducing always the freedom of the individual, often enlarges it by placing on his side the services of a Leviathan, Government, a clumsy and frequently a tyrannical agency, but still one very useful in holding at bay the principal private associations which flourish in our civilization" (quoted from Dr. Beard's "Epilogue," pp. 406–407).

Current society, which labels certain business enterprises as "public utilities" and imposes on them special duties of service, requires them to serve at "reasonable rates." Reasonable rates for particular services are still undefined, but so far as the rates allowed to be charged aggregate a reward for the whole of the utility's service, we have achieved a constitutional formula. There must be a "fair return" on the "present value of the property devoted" to the service. "Value" translates into different figures according to the theory used in defining it. A generation ago, the present cost of reproduction theory gave figures lower than those of the original investment. Today, valuation on the reproduction theory runs into dollar totals which are higher than those of the investment; and public authority has lately sought to read "value" in terms of the investment dollars. Though the states have been barred from so doing, the Interstate Commerce Commission, in the famous O'Fallon railway case, has valued substantially on the lower level. As the "spread" between the figures which may be reached on the respective theories as applied to the railroads as a whole is something like ten billion dollars, the Supreme Court has of course been appealed to. Its decision is now pending. *Public Utility Rate Making*, by Taylor E. Groninger (Bobbs-Merrill, pp. xxii, 381), presents the general problem outlined above; and it is so up to date as to include the Commission's O'Fallon decision. Though the author is a lawyer writing largely for lawyers, his work is a valuable collection of leading judicial pronouncements, from the

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basic Munn v. Illinois, which started the modern rate-setting practices, to date. Questions as to just how to arrive at the actual rate figures did not become acute until 1898, when Smyth v. Ames, as Mr. Groninger points out, set forth the formula in vague terms. Getting precise content into it has given rise to vast litigation during the last thirty years. Of all this Mr. Groninger shows enough to make a readable history of one of the greatest of our present politico-economic problems. G.H.R.

The writer of this book-note, who has long felt that law should be taught non-technically, and as a cultural subject, in any complete curriculum of the social sciences, finds a particular satisfaction in *The Book of English Law*, by Edward Jenks (Houghton Mifflin, pp. xix, 460). Its preface is a throw back to that of Sir William Blackstone who in 1753 announced lectures not only for lawyers to be, but also for "such others as are desirous to be in some degree acquainted with the constitution and polity of their own country." Dr. Jenks says that his lectures are "to be for the benefit, not, in the main of professional lawyers, actual or potential, but of laymen interested in the place of law in modern communities and its influence on economic and social polity." The foreword by Lord Atkin states: "The production of the book is a step toward securing the recognition of some teaching of law as a factor in a general liberal education." Though Dr. Jenks deals only with English law as it is administered in England, he paints a neat and clear-lined picture of the nature and different kinds of law in general, and of the forms—judicial or statute—of English law. Under "The Machinery of English Law" he discusses the court system, the legal profession, and the "administration of justice" by the machine as outlined. Other headings are "The State and Justice," "The Criminal Law," "The Civil Law," under which headings he discusses the minutiæ without being too detailed to defeat his purposes. He appends a bibliography of the more readable of the legal treatises and closes with a good working index. The whole is work of the sort to be expected from one whose place as a legal historian is so thoroughly assured by previous labors. G.H.R.

In *Trade Associations: The Legal Aspects* (Central Book Company, pp. 271) Benjamin S. Kirsh, a lawyer who is not blind to economic forces, presents a suggestive examination of the attitude of the courts toward trade associations. It is one of the few books of recent years

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that emphasise the need for treating each anti-trust case upon its merits because of the great variation in the facts from case to case. Mr. Kirsh wisely recognizes that decisions ultimately depend upon a very real exercise of judgment by the courts. As Mr. Justice Holmes would say, "the worth of competing social ends" must be decided, and this cannot be done merely by an appeal to a statute-made criterion. Once the qualification of "reasonableness" is introduced, the public interest must be kept in view, and it becomes impossible to generalize upon the decisions before making sure that the economic facts are identical. Many apparent inconsistencies in the courts are to be explained on this ground. R. O.

Freedom in the Modern World, published by Coward-McCann, Inc. (pp. xii, 304), contains a collection of lectures delivered at the New School for Social Research. The volume is edited by Horace M. Kallen, who likewise supplies introductory and concluding chapters. The editor states that for certain vested interests, whether social, economic, or religious, "the truth has always been for them the rehearsal of some advantageous lie." And, it is stated, "with respect to the social and political sciences the institutions of higher learning show themselves to be as definitely, if more subtly, seats of monopolistic orthodoxy as any sectarian theological school." The lectures in this volume, however, purport to be delivered from "an academic forum where honest scholarship in the social sciences" is "free and untrammelled." They deal with topics such as liberty and the law, freedom in the fine arts, personal liberty, political liberty, and freedom of the press. Among the contributors are to be found the names of Clarence Darrow, Silas Bent, Zechariah Chafee, Max Eastman, and John Dewey. E.P.H.

"We are governed, our minds are molded, our tastes are formed, our ideas suggested, largely by men we have never heard of." From this basis, Edward L. Bernays, in his latest book *Propaganda* (Horace Liveright, pp. 159), proceeds to describe the mechanism and the methods used by the special pleader in controlling and manipulating the "public mind." A new propaganda is at work today. "It takes account not merely of the individual, nor of the mass mind alone, but also and especially of the anatomy of society, with its interlocking group formations and loyalties." The author shows how the public relations counsel works upon and through these groups rather than

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by appealing directly to the individual. The part that propaganda plays in the relations between the public and business, politics, education, social service, art, and science is sketched in brief chapters. Throughout the book emphasis is placed again and again upon the importance of the "public relations counsel." In fact, it is proposed that there be added to the cabinet a "secretary of public relations" whose function it will be to "interpret America's aims and ideals throughout the world." One is inclined to wonder if this little volume is not itself a venture in applied propaganda. Here, as in *Crystallizing Public Opinion*, Mr. Bernays depicts the work of the press agent as a "profession." Light in touch, spirited, with a wealth of specific examples to illustrate his points, but with not a few blithe generalizations that one might well challenge, the author nevertheless presents a book that those concerned with public opinion will read with interest.

E.P.H.

Falsehood in War-Time, by Arthur Ponsonby, M.P. (E. P. Dutton and Co., pp. 192), is a little book containing a collection of lies the proportions of which are quite out of keeping with the size of the volume. Falsehoods, subtle and crude, convincing and fantastic, are herein arrayed as evidence of the important rôle played by prevarication as a psychological factor in war-time. The nature of these fabrications is indicated by their titles: the crucified Canadian, the corpse factory, the criminal Kaiser, the Belgian baby without hands. There were circulated intellectual lies for the intelligent and blatant lies for popular consumption. Official connivance was responsible for many. But more extraordinary than the lies themselves was the general credulity of the public in accepting them. One can only agree with the author that "the amount of rubbish and humbug that pass under the name of patriotism in war-time in all countries is sufficient to make decent people blush when they are subsequently disillusioned." E.P.H.

Two recent books dealing with labor and government in England and the United States respectively are *The Story of Trade Unionism: From the Combination Acts to the General Strike*, by Robert M. Rayner (Longmans, Green, pp. ix, 277), and *The Labor Movement in the United States, 1860–1895*, by Norman J. Ware (Appleton, pp. xviii, 409). Among the topics dealt with in the former volume are the rise of the Labor party, the effects of the Taff Vale decision, parliamentarism versus direct action, and the capture of the "government" by the

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Labor party. Professor Ware's book is concerned largely with the "Order of the Knights of Labor" and emphasizes the relations of labor and politics. In the opinion of the author, the "Order" grew out of disillusionment with politics on the one hand and trade unionism on the other. Its most marked characteristics were reformism or propaganda by which an attempt was made to produce solidarity among the labor groups. The author considers that the "Order" also aimed at democracy among the laborers.

The first issue of the *Revue Internationale des Sciences Administratives* (pp. 215), published by the Permanent International Commission of the International Congress of Administrative Sciences, has been received. The journal contains several articles on important topics, such as the modernization of public accounting, administrative preparation of public service officials in Poland, and municipal home rule in the United States. Almost one hundred pages are devoted to reviews of books, reports, and other documents, and there are forty-five pages of bibliography classified by both subject and country.

From Paris come two small books, *Les Problèmes de la Terre en Palestine* (pp. 226), by A. Granovsky, and *L'Allemagne et la Politique Européene, 1890–1914* (pp. 229), by Frederic Stieve, both issued by Les Editions Rieder. The former book has already appeared in English. The latter is a defense of Germany's actions and policies and is another book attempting to allocate the blame for the recent war.

A useful contribution to the history of political thought and of social legislation is Henrietta C. Jennings' *The Political Theory of State-Supported Elementary Education in England, 1750–1833* (Lancaster Press, pp. vii, 159). The monograph was presented as a doctoral dissertation at Bryn Mawr College. It traces the conflict of ideas in England in the eighteenth and early nineteenth century relevant to the support of education by the state and closes with a chapter on the immediate antecedents of the initial parliamentary appropriation in 1833.

Professor Chilton R. Bush's *Newspaper Reporting of Public Affairs* (Appleton, pp. xi, 406) embodies a portion of the material used in a course of instruction in the School of Journalism at the University of Wisconsin. Its object is "to assist the prospective newspaper reporter to acquire the minimum amount of professional equipment needed

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in the reporting of public business in the ordinary community." Successive chapters deal informingly with the courts, criminal and civil trials, bankruptcy proceedings, the federal building, the city hall, the county building, the police station, politics, and business and labor.

What is Socialism?, by Jessie W. Haughan (pp. ix, 192), is the third of the series of Outline of Social Philosophies published by the Vanguard Press. The author includes a chapter on "American Socialism in the Twentieth Century." There is also a brief biographical index or directory of names associated with the socialist movement and a selected bibliography. The treatment is somewhat superficial, and the chief value of the book is as a catalogue of facts.

Our Own Times (pp. vii, 382), by H. C. Thomas and William A. Hamm, is a brief outline of world history from 1830 to the present time and is the final volume of "The A.B.C. of History" series published by the Vanguard Press. The other two volumes were entitled *The Foundation of Modern Civilization* and *Civilization in Transition.*

Dean Gleason L. Archer, of the Suffolk Law School of Boston, has written a *History of the Law* (Suffolk Law School Press, pp. 442) in which he attempts to trace the development of legal principles against the background of history. Part I covers ancient law, especially of Greece and Rome; Part II deals with the English common law; and Part III traces the history of law in America. At the end of each chapter are numerous questions for review.

The National Industrial Conference Board has issued another of its studies on the *Cost of Government in the United States* for 1926–27 (pp. 109). This shows a further increase in the total of governmental expenditures, especially in state and local expenditures for schools and highways. The debt and taxes of the national government are being steadily reduced, but those of the state and local governments continue to increase. Other recent reports of the National Industrial Conference Board are *The Shifting and Effects of the Federal Corporation Income Tax* (pp. 251), *A Picture of World Economic Conditions* (pp. 119), and *Public Schools and the Worker in New York* (pp. 180).

Double Taxation and International Fiscal Coöperation, by Edwin R. A. Seligman (Macmillan, pp. 203), is a review of lectures given by

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the author at the *Académie de Droit International* at the Hague during 1927. One learns from the book that the problems of double taxation are not confined to the American states. An interesting phase of the work of the League of Nations is illustrated in Professor Seligman's discussion of the report on double taxation made by a special committee of economic experts, of which he was a member, to the Financial Committee of the League.

As might be foretold from the title, *The Return to Laisser Faire*, by Ernest J. P. Benn (Appleton, pp. 221), is an argument against the extension of governmental activity and interference in England and a plea for a return to what the author terms "individualism." In his opinion there is more individualism in the United States than in England. Public aid to housing and the growing burden of bureaucrats are the especial targets of the author.

The New Jersey State Chamber of Commerce has issued a detailed and profusely illustrated book, *New Jersey: Life, Industry, and Resources of a Great State*, edited by Floyd W. Parsons (pp. xii, 404). Students of state government will find of interest the section devoted to the general history of the state, governmental organization, and revenues and taxation. The part on governmental organization was evidently written by some one familiar with the fundamental principles on which the government was established as well as with its actual workings.

Ex-Governor Gifford Pinchot, of Pennsylvania, has issued a substantial pamphlet entitled *The Power Monopoly, its Make-up and its Menace* (pp. 256). Following a brief general discussion, the bulk of the pamphlet presents data on a large number of power corporations, showing their combinations and interconnections.

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RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CLARENCE A. BERDAHL

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books

Bent, Silas. Strange bedfellows. N. Y.: Horace Liveright.

Blondel, André. Le contrôle juridictionnel de la constitutionalité des lois. Étude critique comparative: États-Unis—France. Pp. xiv+383. Paris: Sirey.

Bond, Carroll T. The court of appeals of Maryland. Pp. iii+214. Baltimore: Barton-Gilbert Co.

Brown, Roy Melton. Public poor relief in North Carolina. Pp. 192. Chapel Hill (N. C.): Univ. of N. C. Press.

Butler, Ruth Lapham. Franklin, postmaster general. Pp. 208. Garden City: Doubleday, Doran.

Cameron, Jenks. The bureau of biological survey: its history, activities, and organization. (Institute for Govt. Research: Service Monographs of the U. S. Govt.) Pp. 349. Baltimore: Johns Hopkins Press.

Cameron, Jenks. The bureau of dairy industry: its history, activities, and organization. (Institute for Govt. Research: Service Monographs of the U. S. Govt.) Baltimore: Johns Hopkins Press.

Clark, Victor S. History of manufactures in the United States. 3 vols. Pp. 590; 566; 550. N. Y.: McGraw-Hill.

Collings, Harry T., ed. Tariff problems of the United States. Pp. x+290. Ann. Am. Acad. Jan., 1929.

Dimock, Marshall Edward. Congressional investigating committees. (Johns Hopkins Univ. Studies.) Baltimore: Johns Hopkins Press.

Durant, W. C., ed. Law observance. N. Y.: Durant Award Office.

Eldridge, Seba. The new citizenship; a study of American politics. Pp. 364. N. Y.: Crowell.

Forbes, W. Cameron. The Philippine islands. 2 vols. Pp. 634; 636. Boston.: Houghton Mifflin.

Frankfurter, Felix, and *Greene, Nathan.* The labor injunction. N. Y.: Macmillan.

Gleason, Lafayette B., comp. Official report of the proceedings of the nineteenth republican national convention, 1928. Pp. 319. N. Y.: Tenny Press.

Greathouse, Charles A., comp. Official report of the proceedings of the democratic national convention, 1928. Pp. 451. Indianapolis: Bookwalter-Ball-Greathouse Printing Co.

Hart, Albert Bushnell, and *Schuyler, William M.*, eds. The American year book: a record of events and progress for the year 1928. Pp. xxix+892. N. Y.: Am. Year Book Corporation.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Herring, E. Pendleton. Group representation before congress. (Institute for Govt. Research: Studies in Administration.) Pp. 327. Baltimore: Johns Hopkins Press.

Hiller, E. T. The strike. Chicago: Univ. of Chicago Press.

Hines, Walker D. War history of American railroads. (Carnegie Endowment for Int. Peace: Econ. and Soc. Hist. of the World War.) New Haven: Yale Univ. Press.

Hutchison, David. The foundation of the constitution. N. Y.: Grafton Press.

Irwin, Oscar William. State budget control of state institutions of higher learning. (Contributions to Education, No. 271.) Pp. 128. N. Y.: Teachers College, Columbia Univ.

Johnsen, Julia E., comp. Selected articles on national defense. Pp. 552. N. Y.: H. W. Wilson Co.

Karsner, David. Andrew Jackson, the gentle savage. N. Y.: Brentano's.

Kemper, J. P. Floods in the valley of the Mississippi, a national calamity. Pp. 255. New Orleans: Nat. Flood Commission.

King, Clyde L., ed. Farm relief. Pp. viii+479. Ann. Am. Acad. Mar., 1929.

Klaus, Samuel, ed. American trials: the Milligan case. Pp. 488. N. Y.: Knopf.

Klein, Joseph J. Federal income taxation. Pp. 2,836. N. Y.: John Wiley & Sons.

McCahan, David. State insurance in the United States. Pp. 307. Philadelphia: Univ. of Pa. Press.

McCarthy, Sister M. Barbara. The widening scope of American constitutions. Washington: Catholic Univ. of Am.

McConville, Sister Mary P. Political nativism in Maryland, 1830–1860. Washington: Catholic Univ. of Am.

Mecklenburg, George. Bowing the preacher out of politics. Pp. 141. N. Y.: Revell.

Burnett, E. C., ed. Letters of members of the continental congress. Vol. IV. Pp. 645. Washington: Carnegie Institution.

Moley, Raymond. Politics and criminal prosecution. N. Y.: Minton, Balch.

National Industrial Conference Board. Cost of government in the United States, 1926–1927. Pp. xi+109. N. Y.: Nat. Ind. Conf. Board.

National Industrial Conference Board. Mergers and the law. Pp. x+153. N. Y.: Nat. Ind. Conf. Board.

Nelson, Beatrice Ward. State recreation. Washington: Nat. Conf. on State Parks.

Nichols, Ellsworth. Public utility service and discrimination. Pp. clii+1,087. Rochester: Pub. Utilities Reports, Inc.

Paxson, Frederic L. Recent history of the United States. (Rev. and enl. ed.) Boston: Houghton Mifflin.

Pearce, Haywood J., Jr. Benjamin H. Hill. Chicago: Univ. of Chicago Press.

Reiter, George. A tax without a burden, or, the individual capital augmentation tax system. Pp. 137. Boston: Christopher Pub. House.

Robinson, William M., Jr. The confederate privateers. New Haven: Yale Univ. Press.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Seligman, Edwin R. A. The economics of farm relief. N. Y.: Columbia Univ. Press.

Smith, Alfred E. Campaign addresses. Pp. 322. Washington: Democratic National Committee.

Thompson, Charles Willis. Presidents I've known, and two near presidents. Indianapolis: Bobbs-Merrill.

Ware, Norman J. The labor movement in the United States, 1860–1895: a study in democracy. Pp. 427. N. Y.: Appleton.

Warner, Harry S. Prohibition, an adventure in freedom. Pp. 265. Westerville (O.): World League against Alcoholism.

Weber, Gustavus A. The bureau of chemistry and soils: its history, activities, and organization. (Institute for Govt. Research: Service Monographs of the U. S. Govt.) Pp. 229. Baltimore: Johns Hopkins Press.

Wherry, William M., Jr. Public utilities and the law. Pp. 373. N. Y.: N. L. Brown.

Articles

Administrative Law. Judicial notice by administrative bodies. *Frank B. Faris.* Ind. Law Jour. Dec., 1928.

———. Administrative law and the constitution. *Marvin B. Rosenberry.* Am. Pol. Sci. Rev. Feb., 1929.

Agricultural Relief. The provision for agricultural credit in the United States. *A. G. Black.* Quar. Jour. Econ. Nov., 1928.

Amendments. Amending the federal constitution. *F. G. Bromberg.* Lawyer and Banker. Jan.-Feb., 1929.

Appellate Courts. The court of appeals of New York: some features of its organization and work. *Frank H. Hiscock.* Cornell Law Quar. Feb., 1929.

Appointments. Power of appointment to public office under the federal constitution. *Note Editor.* Harvard Law Rev. Jan., 1929.

Beveridge. The senatorial career of Albert J. Beveridge (concluded). *John A. Coffin.* Ind. Mag. Hist. Dec., 1928.

Billboard Regulation. Billboard regulation and the aesthetic viewpoint with reference to California highways. I. II. *Chauncey Shafter Goodrich.* Calif. Law Rev. Jan., Mar., 1929.

Boulder Dam. The waiting miracle: the mad Colorado and the Boulder dam project. *William Atherton Du Puy.* Century. Jan., 1929.

———. Development of the Colorado river: the justification of Boulder dam. *Arthur Powell Davis.* Atlan. M. Feb., 1929.

———. Converting the Colorado river into a national asset. *Hiram Johnson.* Current Hist. Feb., 1929.

Campaign Expenses. Corrupt practices legislation. *Helen M. Rocca.* National League of Women Voters Pamphlet. Dec., 1928.

———. Campaign expenditures. *Edward M. Sait.* Campaign funds in 1928. *James K. Pollock, Jr.* Am. Pol. Sci. Rev. Feb., 1929.

Church and State. The catholic church faces America. *E. Boyd Barrett.* Am. Mercury. Jan., 1929.

Civil Service. Recent personnel legislation. *Fred Telford.* Am. Pol. Sci. Rev. Feb., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. Immovable federal servants. *Frederic F. Van de Water.* World's Work. Feb., 1929.

Coal and Iron Police. Murder by coal and iron police. *William L. Nunn* and *Frederick E. Woltman.* Nation. Mar. 20, 1929.

Commerce Power. Principles of motor carrier regulation. *John J. George.* Am. Law Rev. Jan.-Feb., 1929.

———. State regulation of interstate motor carriers. *John J. George.* St. Louis Law Rev. Feb., 1929.

———. Some phases of the problem of motor-carrier regulation. *Jay T. McCamic.* W. Va. Law Quar. Feb., 1929.

———. Constitutionality of motor bus tax. *Note Editor.* Ia. Law Rev. Feb., 1929.

———. Regulation of the common carrier motor vehicle with respect to its competitive aspects. *H. R. Trumbower.* Commercial motor vehicle and the public. *M. H. Hunter.* Am. Econ. Rev. (Supp.) Mar., 1929.

Comptroller General. Legal status of the comptroller general of the United States. *Albert Langeluttig.* Ill. Law Rev. Feb., 1929.

Compulsory Education. Is compulsory education justified? *Knight Dunlap.* Am. Mercury. Feb., 1929.

Congress. Hoover's first congress. *Paul D. Hasbrouck.* N. Am. Rev. Jan., 1929.

———. Congressional reapportionment. Cong. Digest. Feb., 1929.

Constitution. Our national constitution. *Robert J. Peaslee.* Boston Univ. Law Rev. Jan., 1929.

———. Our constitution. *R. E. L. Saner.* Tex. Law Rev. Feb., 1929.

Constitutional Law. The "higher law" background of American constitutional law. II. *Edward S. Corwin.* Harvard Law Rev. Jan., 1929.

———. Constitutional law in 1927–28. *Robert E. Cushman.* Am. Pol. Sci. Rev. Feb., 1929.

Declaratory Judgments. Declaratory judgments. *Edwin M. Borchard.* Cincinnati Law Rev. Jan., 1929.

Delegation of Power. Delegata potestas non potest delegari: a maxim of American constitutional law. *Patrick W. Duff* and *Horace E. Whiteside.* Cornell Law Quar. Feb., 1929.

———. Delegation of legislative power to administrative agencies. *Harry D. Page.* Wis. Law. Rev. Feb., 1929.

———. Delegation of legislative power to administrative tribunals. *H. N.* Mich. Law Rev. Mar., 1929.

District of Columbia. The government of the district of Columbia. *Daniel E. Garges.* Am. City. Mar., 1929.

Economic Problems. Economic problems confronting the next president. *E. L. Bogart.* Yale Rev. Winter, 1929.

Eleventh Amendment. When is a suit against a state officer a suit against the state? *Note Editor.* Minn. Law Rev. Jan., 1929.

Espionage Act. Some considerations governing title VI of the espionage act. *J. Whitla Stinson.* Pa. Law Rev. Jan., 1929.

Eugenics. Eugenics in legislatures and courts. *Joseph P. Chamberlain.* Am. Bar Assoc. Jour. Mar., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Evolution. The forward march of the anti-evolutionists. *Maynard Shipley.* Current Hist. Jan., 1929.

Farm Loan System. So this is farm-relief finance! Politics in the farm-loan system. *Gertrude Mathews Shelby.* New Repub. Feb., 13, 20, 27, 1929.

Federal Relations. Decisions of state courts on questions of public policy as rules of decision in the federal courts. *D. S. C.* Calif. Law Rev. Jan., 1929.

———. State determination of public policy not binding on federal courts. *A. V. Knight.* Tex. Law Rev. Feb., 1929.

———. State interference in the exercise of federal powers. *Note Editor.* Minn. Law Rev. Mar., 1929.

Federal Reserve System. Wall street and the federal reserve. *Merryle Stanley Rukeyser.* Nation. Jan. 23, 1929.

Forestry Legislation. State forestry legislation, 1927–28. *Jeannie S. Peyton.* Am. Pol. Sci. Rev. Feb., 1929.

Frontier Politics. Contemporary observations of American frontier political attitudes, 1790–1840. *Perry G. Miller.* Int. Jour. Ethics. Oct., 1928.

Health Problem. State medicine: boon or bogy? *G. W. Haigh.* N. Am. Rev. Feb., 1929.

Hoover. Hoover's task at home. *George Soule.* New Repub. Feb. 27, 1929.

———. If Hoover fails. *Elmer Davis.* Harper's. Mar., 1929.

Injunction. The use of the injunction in American labor controversies. III. *Felix Frankfurter* and *Nathan Greene.* Law Quar. Rev. Jan., 1929.

———. The injunction comes to Wisconsin. *Lyle W. Cooper.* New Repub. Jan. 23, 1929.

———. Labor injunctions in Illinois. *Robert Kingsley.* Ill. Law Rev. Feb., 1929.

Interstate Commerce Commission. The authority of the interstate commerce commission over intrastate rates. *Philip S. Peyser.* Georgetown Law Jour. Nov., 1928.

———. The Hoch-Smith resolution and the future of the interstate commerce commission. *Gustavus H. Robinson.* Harvard Law Rev. Mar., 1929.

Judicial Council. One year of the judicial council in North Dakota. *Glenn Avann McCleary.* Dakota Law Rev. Dec., 1928.

———. Does Indiana need a judicial council? *C. Severin Buschmann.* Ind. Law Jour. Jan., 1929.

Judicial Review. Judicial power in the United States. III. *William W. Potter.* The status of a municipal corporation organized under an unconstitutional statute. *Oliver P. Field.* Mich. Law Rev. Jan., Mar., 1929.

———. The tort liability of public officers who act under unconstitutional statutes. *George N. Crocker.* South. Calif. Law Rev. Feb., 1929.

Jury System. Voir dire examination of jurors: II. The federal practice. *Roger D. Moore.* Georgetown Law Jour. Nov., 1928; Miss. Law Jour. Jan., 1929.

———. Would a statute providing for the waiver of a jury in felony cases be constitutional in Missouri? *Robert L. Aronson.* St. Louis Law Rev. Dec., 1928.

———. The vanishing jury. *Raymond Moley.* South. Calif. Law Rev. Dec., 1928.

———. Should the jury system pass? *James A. Dilkes.* St. John's Law Rev. Dec., 1928.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. Civil jury should be abolished. *Russell Duane.* Jour. Am. Judicature Soc. Feb., 1929.

———. Province of the judge in jury trials. *Kenneth M. Johnson.* Tenn. Law Rev. Feb., 1929.

Ku Klux Klan. Ku klux klan law. *Melvin J. Koestler.* Cornell Law Quar. Feb., 1929.

Labor. Labor politics and labor education. *John Dewey.* New Repub. Jan. 9, 1929.

———. Theories of the labor movement, as set forth in recent literature. *Lyle W. Cooper.* Quar. Jour. Econ. Nov., 1928.

Liberty Party. The economic background of the liberty party. *Julian P. Bretz.* Am. Hist. Rev. Jan., 1929.

Lobby. Lobbying for good or evil. *Oliver McKee, Jr.* N. Am. Rev. Mar., 1929.

Log-Rolling. Legislative log-rolling. *James D. Barnett.* Ore. Law Rev. Feb., 1929.

Mooney Case. Mooney and Billings are innocent. *Fremont Older.* Nation. Jan. 2, 1929.

National Defense. West Point's predicament. *B. C. Long Lance.* Century. Jan., 1929.

———. The navy cruiser bill. Cong. Digest. Jan., 1929.

———. The making of modern armies. *Elbridge Colby.* Am. Mercury. Feb., 1929.

———. New cruisers for the United States navy. *Curtis D. Wilbur.* Current Hist. Mar., 1929.

Naturalization. The doctrine of res judicata in naturalization cases in the United States. *Henry B. Hazard.* Am. Jour. Int. Law. Jan., 1929.

Negro Problem. Twenty years of negro progress. *Herbert J. Seligmann.* Current Hist. Jan., 1929.

———. La "renaissance nègre" aux États-Unis. *Franck L. Schoell.* Rev. de Paris. Jan. 1, 1929.

Philippines. Justice to Filipinos. *Vicente G. Bunuan.* Nation. Jan. 23, 1929.

Pocket Veto. What is the effect of a "pocket veto"? Cong. Digest. Dec., 1928.

Police Power. The feasibility of state control as a test of the scope of the federal "police power." *Note Editor.* Columbia Law Rev. Mar., 1929.

———. The chain store license tax and the fourteenth amendment. *Samuel Becker* and *Robert A. Hess.* N. C. Law Rev. Feb., 1929.

Political Cartoons. Some early political cartoons. *Frank H. Hodder.* Hist. Outlook. Oct., 1928.

Populist Party. The birth of the populist party. *John D. Hicks.* Minn. Hist. Sept., 1928.

Porto Rico. The problem of Porto Rico. For. Pol. Assoc. Inf. Service. Jan. 18, 1929.

———. The sad case of Porto Rico. *Luis Muñoz Marín.* Am. Mercury. Feb., 1929.

———. Porto Rico: a colonial responsibility. *Editor.* New Repub. Feb. 6, 1929.

———. Tariff as a cause of Porto Rican poverty. *Harold S. Sloan.* Current Hist. Mar., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

President. The white house plant. *William Hard.* World's Work. Jan., 1929.

———. The presidential succession. *H. H. Sawyer.* Am. Mercury. Feb., 1929.

———. Presidential inaugurations—old and new. *L. T. Merrill.* Current Hist. Mar., 1929.

Presidential Election. Presidential elections in the United States. *Ignatius Phayre.* Quar. Rev. Oct., 1928.

———. The election of 1928. *O. Douglas Weeks.* Southwestern Pol. and Soc. Sci. Quar. Dec., 1928.

———. The American election. *J. D. Whelpley.* Fort. Rev. Dec., 1928.

———. The triumph of Herbert Hoover. *S. K. Ratcliffe.* Contemp. Rev. Dec., 1928.

———. The next president of the United States. Round Table. Dec., 1928.

———. Der Sinn der Hoover-Wahl. *Edgar Ansel Mowrer.* Nord und Süd. Dec., 1928.

———. The campaign in retrospect. *William B. Munro.* Yale Rev. Winter, 1929.

———. La campagne électorale de M. Hoover. *Bernard Faÿ.* Rev. de Paris. Jan. 1, 1929.

———. Les causes du succes du Président Hoover. *Pierre Crabités.* Rev. Pol. et Parl. Feb., 1929.

———. An analysis of the vote in the national elections. *Simon Michelet.* Current Hist. Feb., 1929.

Price Control. Validity of price control legislation. *Carl L. Meier.* Cincinnati Law Rev. Jan., 1929.

Primary. The status of Hoovercrats under the Virginia primary law. *L. A. B.* Va. Law Rev. Feb., 1929.

———. A white south, or black? *Pierre Crabités.* N. Am. Rev. Mar., 1929.

Privileges and Immunities. Privileges and immunities of citizens of the several states—Massachusetts or common law trusts. *H. A. T.* Va. Law Rev. Jan., 1929.

———. Wild animals: nature of state's interest. *Robert Pomerance.* Cornell Law Quar. Feb., 1929.

Prohibition. Prohibition victorious. *Ernest H. Cherrington.* Current Hist. Jan., 1929.

———. Reconstruction and prohibition. *A. Lawrence Lowell.* Atlan. M. Feb., 1929.

———. Should brewers be compensated for losses due to prohibition? I. A demand for justice. *Alex T. Gast.* II. No just claim for compensation. *Edward B. Dunford.* Current Hist. Feb., 1929.

———. Definition of "intoxicating liquors" in the national prohibition act. *Case and Comment Editor.* Yale Law Jour. Feb., 1929.

Public Utilities. Review of the public service commission and the transit commission in the New York courts. *Leon Leighton.* St. John's Law Rev. Dec., 1928.

———. Discontent with public utility rate regulation. *Taylor E. Groninger.* Ind. Law Jour. Jan., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. Business enterprise and the public utility's duty to serve without discrimination. *Gustavus H. Robinson.* Discontinuance of service by public utilities. I. II. *Ford P. Hall.* Minn. Law Rev. Jan., Feb., Mar., 1929.

———. Public operation versus state regulation: two hydro-electric systems compared. *James Malcolm.* Nat. Mun. Rev. Feb., 1929.

———. Expenditures to influence public opinion. *Simon Rosenzweig.* Cornell Law Quar. Feb., 1929.

———. State public utilities legislation, 1927. *Orren C. Hormell.* Am. Pol. Sci. Rev. Feb., 1929.

———. The ethics of public utility valuation. *Judson King.* Ill. Mun. Rev. Feb., 1929.

———. Regulation of electric light and power utilities. *C. O. Ruggles.* An inductive study of publicly owned and operated vs. privately owned but regulated electric utilities. *H. W. Peck.* Am. Econ. Rev. (Supp.) Mar., 1929.

———. Is there a power trust? *Meryle Stanley Rukeyser.* Nation. Mar. 6, 1929.

Religious Issue. The religious issue in national politics. *Edward John Byrne.* Catholic Hist. Rev. Oct., 1928.

Salary Schedules. The salary rate of $5000 and above for public officials. Minn. Municipalities. Mar., 1929.

Salt Creek. Salt creek: the biggest oil scandal. *Paul Blanshard.* Nation. Feb. 20, 1929.

Samoa. Americanization in Samoa. *Margaret Mead.* Am. Mercury. Mar., 1929.

Search and Seizure. Unreasonable searches and seizures. *Hugh E. Willis.* Ind. Law Jour. Feb., 1929.

———. The law of searches and seizures incident to the enforcement of amendment 18 to the United States constitution. *Milton A. Lehr.* Tenn. Law Rev. Feb., 1929.

Senate. Mr. Blease of South Carolina. *O. L. Warr.* Am. Mercury. Jan., 1929.

———. The mental age of the senate. *Editor.* New Repub. Jan. 23, 1929.

Sherman Act. The Sherman act: its design and its effect. *Myron W. Watkins.* Quar. Jour. Econ. Nov., 1928.

———. Monopoly and restraint of trade under the Sherman act (to be concluded). *Herbert H. Naujoks.* Wis. Law Rev. Dec., 1928; Feb., 1929.

———. Recovery of treble damages under the Sherman act. *Case and Comment Editor.* Yale Law Jour. Feb., 1929.

Socialist Party. Why not a new party? *Norman Thomas.* N. Am. Rev. Feb., 1929.

Solid South. Breaking the solid south. *James Southall Wilson.* Va. Quar. Rev. Jan., 1929.

State Constitutions. State constitutional development through amendment. in 1927. *W. Leon Godshall.* Am. Pol. Sci. Rev. Feb., 1929.

State Department. Present interest in foreign affairs and the state department's publication facilities. *George A. Finch.* Am. Jour. Int. Law. Jan., 1929.

———. Expansion of the publications of the department of state. *Kenneth Colegrove.* Am. Pol. Sci. Rev. Feb., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. An intimate discussion of our state department. *F. J. Stimson.* Scribner's. Feb., 1929.

———. The administration of the department of state; its organization and needs. *William T. Stone.* For. Pol. Assoc. Inf. Service. Vol. IV, Spec. Supp. no. 3 (Feb., 1929).

———. What is wrong with the state department? *Editor.* New Repub. Feb. 20, 1929.

———. Government by secret diplomacy. *John H. Wigmore.* Ill. Law Rev. Mar., 1929.

Sterilization. The history of human sterilization in the United States—theory, statute, adjudication. *J. H. Landman.* Ill. Law Rev. Jan., 1929; Am. Law Rev. Jan.-Feb., 1929.

———. Sterilization of defectives. *S. W. C., II.* Calif. Law Rev. Mar., 1929.

Supreme Court. Five out of nine: the futile but forceful dissenting opinion. *Joseph Percival Pollard.* Century. Jan., 1929.

———. Justice Holmes dissents. *Joseph Percival Pollard.* Scribner's. Jan., 1929.

Tariff. We make a tariff. *Editor.* New Repub. Jan. 2, 1929.

———. Tariff-making in the United States. *Lynn Ramsay Edminster* and *Others.* Am. Econ. Rev. (Supp.) Mar., 1929.

———. When the importer is a state university, may the government collect a duty? *Sveinbjorn Johnson.* Mich. Law Rev. Mar., 1929.

Taxation. Tax exemption statutes. *Newman F. Baker.* Tex. Law Rev. Dec., 1928.

———. Legal limitations on taxes and debts. *E. T. Miller.* Southwestern Pol. and Soc. Sci. Quar. Dec., 1928.

———. Exemption from taxation of property used for religious, educational, and charitable purposes in Ohio. *Elmer R. Heisel.* Cincinnati Law Rev. Jan., 1929.

———. Inheritance taxation on powers of appointment. *Richard Bentley.* Ill. Law Rev. Jan., 1929.

———. What constitutes a transfer under the federal estate tax. *E. S. L., Jr.* Pa. Law Rev. Jan., 1929.

———. National bank taxation in California. I. II. *Roger J. Traynor.* Calif. Law Rev. Jan., Mar., 1929.

———. Valuations for income tax purposes. *Arthur A. Ballantine.* Taxability of unincorporated organizations as corporations for federal income tax purposes. *J. J. Robinson.* Am. Bar. Assoc. Jour. Jan., Mar., 1929.

———. Constitutional limitations of state jurisdiction over property for succession tax purposes. *Harry W. Kroeger.* St. Louis Law Rev. Feb., 1929.

———. War risk insurance and state inheritance taxes. Robert G. Goodale. Cornell Law Quar. Feb., 1929.

———. The Wisconsin income tax. *Harold M. Groves.* Minn. Municipalities. Mar., 1929.

Treaty Making. The constitution and diplomacy. *Editor.* New Repub. Mar. 27, 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Unemployment. Unemployment: causes and remedies. *John A. Ryan.* Catholic World. Feb., 1929.

Uniform Legislation. The desirability of consolidating the uniform commercial statutes. *Ralph S. Bauer.* Pa. Law Rev. Feb., 1929.

Veterans' Bureau. The nation's treatment of our war veterans. *Edward McE. Lewis.* Current Hist. Jan., 1929.

Voting Machine. Voting machines. *Roy L. Guslarson.* Ill. Mun. Rev. Jan., 1929.

Water Regulation. The Texas board of water engineers. *F. Joyce Cox.* Tex. Law Rev. Dec., 1928; Feb., 1929.

———. The recent attorneys' conference on water legislation. *Samuel C. Wiel.* Calif. Law Rev. Mar., 1929.

———. The work of the state water survey division. *Winfred D. Gerber.* Ill. Mun. Rev. Mar., 1929.

Webb Law. Ten years' operation of the Webb law. *William Notz.* Am. Econ. Rev. Mar., 1929.

Wilson. Woodrow Wilson—ten years after. *William E. Dodd.* Contemp. Rev. Jan., 1929.

Women's Rights. Women in political life. *Dorothy Ashby Moncure.* Current Hist. Jan., 1929.

———. Equal opportunity for women wage earners. *Ethel M. Smith.* Current Hist. Feb., 1929.

Workmen's Compensation. Workmen's compensation: review of facts found by industrial commissions. *Cuthbert B. Caton.* Cornell Law Quar. Feb., 1929.

———. Workmen's compensation and the maritime law. *Stanley Morrison.* Yale Law Jour. Feb., 1929.

———. Harbor workers and workmen's compensation. *George William Stumberg.* Tex. Law Rev. Feb., 1929.

FOREIGN AND COMPARATIVE GOVERNMENT

Books

Baldwin, Roger N. Liberty under the soviets. Pp. 272. N. Y.: Vanguard Press.

Barnerjea, Pramathanath. Indian finance in the days of the company. Pp. x+392. London: Macmillan.

Batsell, Walter R. Soviet rule in Russia. N. Y.: Macmillan.

Beard, Charles A., and *Radin, George.* The Balkan pivot: Yugoslavia, a study in government and administration. Pp. 333. N. Y.: Macmillan.

Blainey, J. The woman worker and restrictive legislation. Pp. 112. London: Arrowsmith.

Buchet, Edmond-Edouard. Le status des dominions britanniques en droit constitutionnel et en droit international. Pp. vi+139. Paris: Sirey.

Clauss, Max. Das politische Frankreich vor dem Kriege. Pp. 162. Karlsruhe: Braun.

Corbett, Percy E., and *Smith, Herbert A.* Canada and world politics: a study of the constitutional and international relations of the British empire. Pp. xvi+244. Toronto: Macmillan.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Davis, Malcomb W., and *Mallory, Walter H.*, eds. Political handbook of the world, 1929. N. Y.: Council on Foreign Relations.

Dewey, John. Impressions of soviet Russia and the revolutionary world. Mexico-China-Turkey. Pp. 270. N. Y.: New Republic.

Dore, Harold, and *Mc Kinnell, J. A.* The new voter. London: Longmans.

Duranty, Walter. The curious lottery and other tales of Russian justice. Pp. 237. N. Y.: Coward-McCann.

Eulenberg, Herbert. The Hohenzollerns. (Translated by M. M. Bozman.) Pp. 349. London: Allen & Unwin.

Fedotoff, G. P. The Russian church since the revolution. N. Y.: Macmillan.

Gladstone, Viscount. After thirty years. Pp. 483. N.Y.: Macmillan.

Guedalla, Philip, ed. Gladstone and Palmerston, being the correspondence of Lord Palmerston with Mr. Gladstone, 1851–1865. Pp. 367. N. Y.: Harper's.

Haldane, Lord. Richard Burdon Haldane: an autobiography. London: Hodder & Stoughton.

Healey, T. M. Letters and leaders of my day. 2 vols. N. Y.: Stokes.

Hummel, F. Preussen und seine Provinzen in Riechsrat. Pp. xvi+147. Berlin: Georg Stilke.

Hunger, F. W. T., Jr. Federatieve Staatsbouw een Vraagstuk voor Nederlandsch-Indie. Pp. viii+137. Amsterdam: H. J. Paris.

Kehler, Henning. Chroniques russes. Les premiers temps du bolchevisme 1917–1919. (Traduit du danois par E. C. Dunan et J. Gateau.) Paris: Perrin.

Keir, D. L., and *Lawson, F. H.* Cases in constitutional law. Pp. xxvii+479. Oxford: Clarendon Press.

Kitazawa, Naokichi. Japan's political system. Princeton: Princeton Univ. Press.

Korostowetz, Vladimir von. Polnische Auferstehung. Pp. 278. Berlin: Verlag für Kulturpolitik.

Korostowetz, W. K. The rebirth of Poland. Pp. 317. London: Geoffrey Bles.

Latourette, Kenneth S. The development of China. (4th ed.). Boston: Houghton Mifflin.

Lazenby, Elizabeth. Ireland, a catspaw. Pp. 254. London: Boswell.

Lenin, V. I. The revolution of 1917. 2 vols. N. Y.: Int. Pubs.

Letort, M. La réforme de la justice militaire. Pp. 330. Alger: Vollot.

McCullagh, Francis. Red Mexico. N. Y.: Louis Carrier & Co.

Malevsky-Malevitch, P. A new party in Russia. Pp. 126. London: Routledge.

Manning, H. E. Assessment and rating. Toronto: Canada Law Book Co.

Marriott, Sir J. A. R. How England is governed. Pp. 112. N. Y.: Oxford Press.

Mehlis, George. Die Idee Mussolinis und der Sinn des Faschismus. Pp. 156. Leipzig: Haberland.

Milne-Bailey, W., ed. Trade union documents. Pp. 580. London: Bell.

Namier, L. B. The structure of politics at the accession of George III. 2 vols. Pp. xiv+290; vi+291–616. London: Macmillan.

Nathan, Manfred. Liquor law of South Africa. Johannesburg: R. L. Esson.

Patton, H. S. Grain growers' coöperation in western Canada. Pp. 471. Cambridge: Harvard Univ. Press.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Rado, A. Guide book to the soviet union. Berlin: Society for Cultural Relations with Foreign Countries.

Rutherford, V. H. Modern India, its problems and their solution. Pp. 268. London: Labour Pub. Co.

Santalov, A. A., and *Segal, Louis*, eds. Soviet union year book, 1928. London: Allen & Unwin.

Scheidemann, Philipp. Memoiren eines Sozialdemokraten. 2 vols. Pp. xvi+431; 443. Dresden: Carl Reissner.

Smith, William. The evolution of government in Canada. Pp. 274. Ottawa: Nat. Com. of the Diamond Jubilee of Confederation.

Suarez, Georges. De Poincaré à Poincaré. Pp. xii+246. Paris: Les Editions de France.

Taylor, E. Finanzpolitik und Steuersystem der Republik Polen. Pp. xv +365. Jena: Fischer.

Volpe, G. Guerra, dopoguerra, fascismo. Pp. 470. Venice: La Nuova Italia.

Weill, Georges. Histoire du parti républicain en France, 1814–1870. Paris: Alcan.

Welles, Sumner. Naboth's vineyard: the Dominican republic, 1844–1924. 2 vols. Pp. 1,058. N. Y.: Payson & Clarke.

Westarp, Graf Kuno. Die Regierung des Prinzen Max von Baden und die Konservative Partie 1918. Pp. xvi+128. Berlin: Deutsche Verlagsgesellschaft für Politik u. Geschichte.

Winnig, August. Das Reich als Republik. Pp. 361. Stuttgart: Cotta.

Articles

Afghanistan. The modernization of Islam. *Sirdar Ikbal Ali Shah.* Contemp. Rev. Feb., 1929.

Albania. Albania: the powder-keg of Europe. *Duncan Wolcott.* Nation. Feb. 13, 1929.

Argentina. El presidente argentino. *Rodolfo Rivarola.* Rev. Gen. Legis. y Juris. Jan., 1929.

Australia. Australia and Italian immigration. *Percy F. Martin.* Fort. Rev. Dec., 1928.

———. Public employment management in the Australian states. *W. E. Mosher.* Nat. Mun. Rev. Jan., 1929.

———. Development of wage fixation in Australia. *G. V. Portus.* Am. Econ. Rev. Mar., 1929.

Austria. Zehn Jahre österreichische Staatsfinanzen. *Viktor Kienböck.* Nord und Süd. Nov., 1928.

———. The fascist factor in Austrian politics. *G. E. R. Gedye.* Contemp. Rev. Dec., 1928.

Baltic States. The new Baltic states after ten years. *Robert Machray.* Current Hist. Mar., 1929.

Belgium. Trouble in Belgium. *Cassander.* Contemp. Rev. Feb., 1929.

British Empire. La riorganizzazione dell attuale impero britannico. *Giovanni Pacchioni.* Rassegna Italiana. Nov., 1928.

———. La personnalité internationale dans l'empire britannique. *W. Ivor Jennings.* Rev. Droit Int. et Légis. Comp. No. 4–5, 1928.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. The British commonwealth of nations. *J. T. Thorson.* Canadian Bar Rev. Feb., 1929.

———. The dominions and the judicial committee. *I. George Kelly.* Nine. Cent. Feb., 1929.

———. The British throne—the keystone of the empire. *P. W. Wilson.* Plans for the union of Great Britain's eastern and central African colonies. *Ralston Hayden.* Current Hist. Feb., Mar., 1929.

Bulgaria. Zehn Jahre bulgarischer Volkswirtschaft. *Alexander Zankoff.* Nord und Süd. Nov., 1928.

———. Balkans nouveaux. II. La Bulgarie au travail. *Maurice Pernot.* Rev. Deux Mondes. Nov. 1, 1928.

Canada. Canada. I. Politics, federal and provincial. Round Table. Dec., 1928.

———. La conquête des libertés canadiennes. *Lacer.* Rev. Pol. et Parl. Jan., 1929.

———. Ontario's wet prosperity. *Charles A. Selden.* World's Work. Mar., 1929.

China. The triumph of the nationalists in China. *Roy S. Lautenschlager.* Current Hist. Jan., 1929.

———. New citizens for China. *Y. C. James Yen.* Yale Rev. Winter, 1929.

———. A survey of China in 1928. *O. M. Green.* Edin. Rev. Jan., 1929.

———. Feng Yu-Hsiang, the christian general. *W. E. Leveson.* Fort. Rev. Jan., 1929.

———. The outlook for China. *Editor.* New Repub. Feb. 27, 1929.

———. Nationalist China. *William Hung, Arthur N. Holcombe, David Z. T. Yui.* For. Pol. Assoc. Pamphlet no. 54, Series 1928–29 (Mar., 1929).

———. China's march toward complete self-rule. *Harold S. Quigley.* Current Hist. Mar., 1929.

Constitutions. Recent literature on modern constitutions. *Lindsay Rogers.* Pol. Sci. Quar. Mar., 1929.

Czechoslovakia. Le basi politiche e giuridiche dello stato cecoslovacco. *Umberto Nani.* Politica. June-Aug., 1928.

———. The winning of Czechoslovak independence. *Robert J. Kerner.* For. Affairs. Jan., 1929.

Denmark. Venstre og Forsvaret. *A. J. West.* Gads Danske Mag. Jan., 1929.

———. Statens Regnskabsvæsen og Revision. I. II. *J. Hassing Jörgenson.* Tilskueren. Jan., 1929.

Finland. The new Finland. *E. W. Polson Newman.* Fort. Rev. Dec., 1928.

France. Alsace. Où en est la belle Alsace. I. La richesse alsacienne. II. La vie de l'esprit. *F. de Witt-Guizot.* Rev. Deux Mondes. Feb., 1, 15, 1929.

———. France's difficulties in Alsace. *Henry Gratton Doyle.* Current Hist. Mar., 1929.

———. **Church and State.** Les missionaires français devant le parlement. *Gaston Deschamps.* Rev. Deux Mondes. Dec. 1, 1928.

———. La paix religieuse. *Wladimir d'Ormesson.* Rev. de Paris. Dec. 15, 1928.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. The struggle against clericalism in France. *Raymond Leslie Buell.* Current Hist. Jan., 1929.

———. How politics has injured religion in France. *Abbé Alphonse Lugan.* Dublin Rev. Jan.-Mar., 1929.

———. A catholic view of the church issue in France. *Jules A. Baisnée.* Current Hist. Mar., 1929.

———. **Government.** Sur le vote du budget de la guerre. *Georges Guy-Grand.* La Grande Rev. Dec., 1928.

———. Is the French cabinet system a failure? *Ben A. Arneson.* Hist. Outlook. Dec., 1928.

———. Painlevé's new scheme of defence. *Dudley Heathcote.* Contemp. Rev. Feb., 1929.

———. The efficiency of French justice. *Damon C. Woods.* Am. Bar Assoc. Jour. Mar., 1929.

———. **Politics.** Le elezioni francesi. *Ugo d'Andrea.* Politica. June-Aug. 1928.

———. La signification historique des élections françaises de 1928. *Ch. Seignobos.* Ann. Pol. Étrangère. July, 1928.

———. Les radicaux-socialistes et la situation politique. *Jean Mistler.* Les tables d'angers. *Comte de Fels.* Rev. de Paris. Dec. 15, 1928; Jan. 1, 1929.

———. L'agriculture et la politique. *Victor Boret.* Nouvelle Rev. Jan. 15, 1929.

———. Le "puzzle" parlementaire.—Le cabinet du 11 novembre et sa majorité du 11 janvier. *Fernand Engerand.* Le Correspondant. Jan. 25, 1929.

———. Poincaré faces new political crisis. *Henry Grattan Doyle.* Current Hist. Feb., 1929.

———. France and the women's vote. *Edith Sellers.* Cornhill Mag. Feb., 1929.

———. The coming man in France. *Ernest Dimnet.* Century. Feb., 1929.

Germany. Non-voting in Germany. *Roger H. Wells.* Hist. Outlook. Oct., 1928.

———. Die Uebertragung der Justiz auf das Reich. *Eduard Kern.* Archiv öffent. Rechts. Oct., 1928.

———. Kolonialpolitik oder Proletarisierung? *Rudolph Böhmer.* Deutsche Rundschau. Jan., 1929.

———. Guglielmo II e Bismarck. I. II. *Gaetano Vitali.* Nuova Antologia. Jan. 16, Feb. 1, 1929.

Great Britain. Church and State. L'affaire du prayer book. *Jean Guitton.* Rev. Deux Mondes. Nov. 15, 1928.

———. The English prayer book to-day. *Herbert W. Horwill.* Atlan. M. Jan., 1929.

———. Disestablishment by consent. *Lord Bishop of Durham.* Nine. Cent. Jan., 1929.

———. A bishop and disestablishment. *W. Marshall Freeman.* English Rev. Feb., 1929.

———. **Economic Problems.** The incidence of taxation in agriculture. *J. A. Venn.* Econ. Jour. Dec., 1928.

———. National health insurance. *E. Graham Little.* Edin. Rev. Jan., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. Preventable poverty. *David Kirkwood.* The new order in industry. *J. H. Harley.* Fort. Rev. Feb., 1929.

———. **Government.** Petitions of right. *L. Ehrlich.* Law Quar. Rev. Jan., 1929.

———. The decay of parliament. *Harold Cox.* The new constitutional struggle. *C. H. S. Fifoot.* English Rev. Jan., Feb., 1929.

———. Ministerial responsibility. *W. Harbutt Dawson.* Fort. Rev. Feb., 1929.

———. The British foreign office. For. Pol. Assoc. Inf. Service. Feb. 6, 1929.

———. New light on the old county court. *Theodore F. T. Plucknett.* Harvard Law Rev. Mar., 1929.

———. **Politics.** The earl of Balfour. *Algernon Cecil.* The riddle of Lord Haldane (*to be continued*). *J. H. Morgan.* Quar. Rev. Oct., 1928; Jan., 1929.

———. Great Britain: election shadows. Round Table. Dec., 1928.

———. Mr. Baldwin's second ministry. *William Thomas Morgan.* Southwestern Pol. and Soc. Sci. Quar. Dec., 1928.

———. Liberalism and industrial relations. II. III. *Hubert Phillips.* The shifting sands of socialism (*to be continued*). *Sir R. Mitchell Banks.* Fort. Rev. Dec., 1928; Jan., Feb., 1929.

———. Independence and peace. *Sir Charles Hobhouse.* Scottish nationalism. *J. Henderson Stewart.* Contemp. Rev. Dec., 1928; Feb., 1929.

———. Curzon. *Harold Nicolson.* For. Affairs. Jan., 1929.

———. Winston Churchill—a British war lord. *H. A. De Weerd.* Current Hist. Jan., 1929.

———. British labor in 1929. *S. K. Ratcliffe.* New Repub. Jan. 16, 1929.

Greece. La politica di Venizelos. III. *Alberto Rigirone.* Politica. June-Aug., 1928.

———. Die Einheit des Hellenismus. *E. Canellopoulos.* Nord und Süd. Nov., 1928.

Hungary. Die Entwicklung Ungarns nach dem Weltkreige. *Graf Stephen Bethlen.* Nord und Süd. Nov., 1928.

Iceland. Icelandic independence. *Vilhjalmur Stefansson.* For. Affairs. Jan., 1929.

India. The return of the commission to India. Round Table. Dec., 1928.

———. Burma's position in the Indian empire. *Theophilus.* Contemp. Rev. Dec., 1928.

———. Education in India. *A. Yusuf Ali.* The Indian princes and the British empire. *Maharaja Dhirag of Patiala.* Nine. Cent. Dec., 1928; Feb. 1929.

———. A constitution for India. *"Nomad."* Fort. Rev. Jan., 1929.

———. Education in India. *Sir Verney Lovett.* Agriculture in India. *C. F. Strickland.* Quar. Rev. Jan., 1929.

———. The royal commission on Indian agriculture. *Aubrey O'Brien.* Dublin Rev. Jan.-Mar., 1929.

———. The crisis in British India. *Lord Meston.* Current Hist. Feb., 1929.

Ireland. Die Verfassung des irischen Freistaats. I. II. *Leo Kohn.* Archiv öffent. Rechts. Oct., Dec., 1928.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. Ireland: events in the free state. Round Table. Dec., 1928.

———. Twenty-five years of Irish nationality. *"A. E."* For. Affairs. Jan., 1929.

Italy. Italy in 1928. Round Table. Dec., 1928.

———. The law on the fascist grand council. *Maxwell H. H. Macartney.* Fort. Rev. Jan., 1929.

———. The grand council of fascism. *Gaetano Salvemini.* For. Affairs. Jan., 1929.

———. The constitutional status of the fascist grand council. *Eloise Ellery.* Current Hist. Feb., 1929.

———. Political developments in Italy. *Henry R. Spencer.* Am. Pol. Sci. Rev. Feb., 1929.

Japan. Is Japan going democratic? *Stanley High.* Harper's. Jan., 1929.

Jugoslavia. La question croate. *Jean Laroque.* La Grande Rev. Dec., 1928.

———. Balkans nouveaux. IV. La Yougoslavie a l'épreuve. *Maurice Pernot.* Rev. Deux Mondes. Dec. 1, 1928.

———. La crise yougoslave. *L. Dumont-Wilden.* Rev. Bleue. Jan. 19, 1929.

———. Der südslawische Staatsstreich. *Richard Kuenzer.* Nord und Süd. Feb., 1929.

———. Les répercussions diplomatiques du coup d'état serbe. *A. Embiricos-Coumoundouros.* Rev. Mondiale. Feb. 1, 1929.

———. Jugoslavia. *G. E. R. Gedye.* Nation. Mar. 27, 1929.

Latin America. Latin America's fight against clerical domination. *J. Lloyd Mecham.* Current Hist. Jan., 1929.

Macedonia. The secret government of Macedonia. *Sloyan Christowe.* Liv. Age. Jan., 1929.

Mexico. Plutarco Elias Calles: a record of statesmanship. *Carleton Beals.* Emilio Portes Gil—Mexico's new president. *Manuel Gamio.* Current Hist. Jan., Mar., 1929.

———. Mexico's labor crisis. *Carleton Beals.* Nation. Mar. 13, 1929.

———. The recurring rebellion in Mexico. *Ernest Gruening.* New Repub. Mar. 27, 1929.

New Zealand. New Zealand. I. Parliament in session. II. A new party. Round Table. Dec., 1928.

Poland. Le dixième anniversaire de l'indépendence polonaise. *L. Dumont-Wilden.* Rev. Bleue. Dec. 1, 1928.

———. La nouvelle organisation judiciaire en Pologne. *Léon Babinsky.* Bull. l'Inst. Interméd. Int. Jan., 1929.

———. Pilsudski. *Otto Forst de Battaglia.* Nord und Süd. Feb., 1929.

Roumania. Balkans nouveaux. III. La grande Roumanie. *Maurice Pernot.* Rev. Deux Mondes. Nov. 15, 1928.

———. La Roumanie à la veille des élections du 12 décembre. *C. Smogorzewski.* Le Correspondant. Dec. 10, 1928.

———. The new régime in Roumania. *G. H. Lepper.* English Rev. Jan., 1929.

———. Rumania's revolution. *Emil Lengyel.* Nation. Jan. 2, 1929.

———. New wine in the Balkans. *G. E. R. Gedye.* Contemp. Rev. Feb., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Russia. L'istruzione pubblica nella Russia dei sovieti. *O. Tonelli de Fano.* Rassegna Italiana. Oct., 1928.

———. Dans les prisons le l'U. R. S. S. III. Au camp de concentration. *Boris Cederholm.* La ruine morale au pays des soviets.—L'enfer des enfants. *Comte Kokovtzoff.* L'abdication du tsar.—Récit d'un temoin. *Gal Goury Danilov.* Rev. Deux Mondes. Nov. 1, Dec. 15, 1928; Jan. 1, 1929.

———. Russia: a contrast. *C. Hagberg-Wright.* Contemp. Rev. Jan., 1929.

———. In soviet Russia. *Paul Scheffer, Victor Chernov,* and *Others.* For. Affairs. Jan., 1929.

———. Les finances et l'économie nationale de l'U. R. S. S. *N. Liubimov.* Rev. Pol. et Parl. Feb., 1929.

———. Russia today. *Dorothy Thompson, Paul H. Douglas, Boris A. Bakhmeteff.* For. Pol. Assoc. Pamphlet no. 53, Series 1928–29 (Feb., 1929).

———. The soviet system of federalism. *Paul P. Gronski.* Am. Pol. Sci. Rev. Feb., 1929.

———. La situation financière de la Russie. *P. Legrand.* Rev. Mondiale. Feb. 1, 1929.

———. The position of the Jews in soviet Russia. *Michael B. Scheler.* Russian communists' plans to curb peasants' power. Dissension in the Russian communist party. *Edgar S. Furniss.* Joseph Stalin—Russia's ruler today. *Jerome Davis.* How soviet Russia is solving her agrarian problem. *Vera A. Micheles.* Current Hist. Feb., Mar., 1929.

South Africa. Black and white workers in South Africa. *G. M. Godden.* Contemp. Rev. Dec., 1928.

Spain. Ante la reforma constitucional. *Emilio Miñaña.* Rev. Gen. Legis. y Juris. Nov., 1928.

———. The Spanish directory and the constitution. *Malbone W. Graham.* Am. Pol. Sci. Rev. Feb., 1929.

Sweden. Förstakammarfrågan. *Georg Andrén.* Svensk Tidsskrift. July, 1928.

Switzerland. Die Schweiz als Vorbild des Völkerbundes. *William Martin.* Nord und Süd. Feb., 1929.

Turkey. Das Werden der türkischen Republik. *Kemaleddin Sami Pascha.* Nord und Süd. Nov., 1928.

———. Il nazionalismo turco; religione e scuole; riforme. *Giovanni Alessio.* Rassegna Italiana. Dec., 1928.

———. Turkey, romance, and a diary. *Owen Tweedy.* Atlan. M. Mar., 1929.

INTERNATIONAL RELATIONS

Books

Anzilotti, D. Corso di diritto internazionale. (3d ed.) Vol. I. Roma: Athenaeum.

Banning, Emile. Les origines et les phases de la neutralité belge. Pp. 276. Brussels: Libr. Albert Dewit.

Bosmans, C. J. E., and *Visser, M.* Traités concernant les Pays-Bas 1845–1900. Pp. xvi+204. The Hague: Nijhoff.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Brenna, Paulo G. Schema di storia diplomatica post-bellica. Bd. I: Il monda orientale. Pp. 377. Rome: Libr. Ed. Mantegazza.

Cabañas, Joaquín Ramirez. Las relaciones entre Mexico y el vaticana. Pp. xciv+237. Mexico City: Publicaciones de la Secretaria de Relaciones Exteriores.

Camuzet, Luce. L'indemnité de guerre en droit international. Pp. vi+218. Paris: Pedone.

Churchill, Winston S. The aftermath, 1918–1928. N. Y.: Scribner's.

Cramer, Floyd. Our neighbor Nicaragua. N. Y.: Stokes.

Edwards, W. H. Heading for war—what you ought to know and fear. Pp. 162. N. Y.: Payson & Clarke.

Fontein, A. De Volkenbond. Pp. viii+151. Der Haag: Gebr. Belinfante.

Gerould, James Thayer, comp. Selected articles on the pact of Paris. Pp. 301. N. Y.: H. W. Wilson Co.

Gontaut Biron, Comte R. de. Sur les routes de Syrie après neuf ans de mandat. Pp. 220. Paris: Plon.

González-Hontoria y Fernández Ladreda, Manuel. Tratado de derecho internacional público. 2 vols. Pp. 429; 496. Madrid: Talleres Voluntad.

Gooch, G. P., and *Temperley, Harold,* eds. British documents on the origins of the war. Vol. V. The near east (the Macedonia problem and the annexation of Bosnia). London: H. M. Stationery Office..

Grigaut, Maurice. Que faut-il savoir de la société des nations? Pp. 126. Paris: Delagrave.

Hills, Ralph Warren. Side-lights on reparations. Pp. vi+264. Washington: Byron S. Adams.

Horvath, Jenö. Magyar diplomácia. Budapest: Pfeiffer Ferenc Kiadása.

Ichihashi, Yamato. The Washington conference and after. Stanford Univ. Press.

Johnson, K. Capper, and *Frankland, J. M.* Aspects of Anglo-American relations. New Haven: Yale Univ. Press.

Kelsen, Hans. Das Problem der Souveränität und die theorie des Völkerrechts. Pp. xii+320. Tübingen: Mohr.

Kenworthy, J. M., and *Young, George.* Freedom of the seas. Pp. 283. N. Y.: Liveright.

Kunz, Joseph L. Die Anerkennung von Staaten und Regierungen im Völkerrecht. Pp. 218. Stuttgart: Kohlhammer.

Ladas, Stephen P. The international protection of trade marks by the American republics. Cambridge: Harvard Univ. Press.

Liszt, Franz von. Le droit international exposé systématique. Pp. xii+400. Paris: Pedone.

Madariaga, Salvador de. Disarmament. N. Y.: Coward-McCann.

Martin, Charles E. The politics of peace. Stanford Univ. Press.

Masterson, William E. Jurisdiction in marginal seas, with special reference to smuggling. Pp. xxvi+423. N. Y.: Macmillan.

Mofeno, Landerino. Historia de las relaciones interestatuales de Centro-América. Pp. 507. Madrid: Compañía Ibero-Americana.

Moon, Parker T., ed. The preservation of peace. Pp. xvi+131. Proc. Acad. Pol. Sci. Jan., 1929.

Moore, Frederick. America's naval challenge. N. Y.: Macmillan.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Morse, H. B., and *MacNair, H. F.* Far eastern international relations. Pp. xv+1,128. Shanghai: Commercial Press.

Mowat, R. B. The life of Lord Pauncefote, first ambassador to the United States. Boston: Houghton Mifflin.

Myers, Denys P. Nine years of the league of nations, 1920-28 (ninth yearbook). Pp. 220. World Peace Foundation Pamphlets. Vol. XII, no. 1 (1929).

Niemeyer, Th. Handbook of the disarmament problems. 3 vols. Pp. 704; 395; 982. Berlin: Research Committees of the German Society for International Law.

Novik, Paltiel. La situation de la Palestine en droit international. Pp. 162. Paris: Jouve.

Opočensky, Jan. The collapse of the Austro-Hungarian monarchy and the rise of the Czechoslovak state. Prague: "Orbis."

Pallieri, Giorgio Balladore. I mandati della società delle nazioni. Turin: Fratelli Bocca.

Pomiankowski, Joseph. Der Zusammenbruch des ottomanischen Reiches. Pp. 444. Zürich: Amalthea-Verlag.

Regendanz, W. Die englische Mandatspolitik. Berlin: Carl Heymanns Verlag.

Reut-Nicolussi, Eduard. Tirol unterm Beil. Pp. 245. Munich: Beck.

Richmond, Sir H. W. National policy and naval strength, and other essays. Pp. xvii+356. London: Longmans.

Rippy, J. Fred. Rivalry of the United States and Great Britain over Latin America. (Albert Shaw Lectures on Diplomatic History.) Pp. xi+322. Baltimore: Johns Hopkins Press.

Rogge, Albrecht. Die Verfassung des Memelgebiets. Pp. xvi+494. Berlin: Deutsche Rundschau.

Ruchti, Jacob. Geschichte der Schweiz während des Weltkrieges. Vol. I. Pp. 554. Bern: Haupt.

Sass, Johann. Die deutschen Weissbücher zur auswärtigen Politik 1870–1914. Pp. 224. Berlin: Walter de Gruyter.

Schätzel, Walter. Die elsasslothringische Staatsangehörigkeitsregelung und das Völkerrecht. Pp. 216. Berlin: Georg Stilke.

Scherer, Hans. Das Vergleichsverfahren. Der Bryanische Friedensplan und seine Fortentwicklung bis zur Neuzeit. Pp. vi+121. Rostock: Carl Hinstorff.

Scott, James Brown. The Spanish origin of international law. Pp. 121. Washington: Georgetown Univ.

Seligman, Edwin R. A. Double taxation and international fiscal coöperation. N. Y.: Macmillan.

Sering, Max. Deutschland unter dem Dawes-Plan. Pp. vi+237. Berlin: Walter de Gruyter.

Sering, Max. Germany under the Dawes plan. London: King.

Shotwell, James T. War as an instrument of national policy and its renunciation in the pact of Paris. Pp. x+310. N. Y.: Harcourt, Brace.

Siebert, B. von. Graf Benckendorffs diplomatischer Schriftwechsel. 3 vols. Berlin: Walter de Gruyter.

Sonter, R. Der neue deutsche Imperialismus. Pp. 192. Hamburg: Carl Hoym Nachf.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Stratman, Franziskus. The church and war: a catholic study. Pp. 219. London: Sheed & Ward.

Strupp, Karl. Intervention in Finanzfragen. Pp. vi+110. Leipzig: Universitätsverlag R. Noske.

Terry, Charles Edward, and *Pellens, Mildred.* The opium problem. Pp. 1058. N. Y.: Committee on Drug Addictions and Bureau of Social Hygiene.

Wegerer, Alfred von. Die Widerlegung der Versailler Kriegsschuldthese. Pp. 237. Berlin: Reimar Hobbing.

Williams, Benjamin H. Economic foreign policy. Pp. xi+426. N. Y.: McGraw-Hill.

Wou, Saofong. La Chine et la conférence de Washington. Pp. 238. Paris: Presses Modernes.

Zimmermann, Walter. Die englische Presse zum Ausbruch des Weltkrieges. Pp. 269. Charlottenburg: Hochschule u. Ausland.

Articles

Abyssinia. La juridiction concernant les étrangers en Ethiopie. *A. L. Gardiner.* Rev. Gén. Droit. Int. Pub. Nov.-Dec., 1928.

Academy of International Law. L'academie de droit international. *André Gardot.* Rev. Pol. et Parl. Feb., 1929.

American Foreign Policy. Peace on earth—and the U. S. A. *William Martin.* Atlan. M. Jan., 1929.

———. The United States and the Saint Germain treaties. For. Pol. Assoc. Inf. Service. Jan. 4, 1929.

———. Mr. Hoover's foreign problems. *Raymond Leslie Buell.* New Repub. Feb. 20, 1929.

Arbitration. Avant la conférence: la conception argentine de l'arbitrage. *C. Saavedra Lamas.* La question des biens, droits et intérêts dans le traité de Lausanne: étude de la jurisprudence des tribunaux arbitraux mixtes. *Jean Chapius.* Rev. Droit. Int. July-Sept., Oct.-Dec., 1928.

———. Arbitration in the western hemisphere. *Antonio S. de Bustamente.* For. Affairs. Jan., 1929.

———. Reservation clauses in agreements for obligatory arbitration. *Robert R. Wilson.* Am. Jour. Int. Law. Jan., 1929.

———. A victory for arbitration. *Editor.* New Repub. Jan. 16, 1929.

Austro-German Union. L'Anschluss et le moyen de l'empêcher. *Pierre Bernus.* Rev. de Paris. Nov. 1, 1928.

Aviation. La formation du droit aéronautique international. *E. de Léon y Ramos.* Rev. Droit Int. July-Sept., 1928.

———. Internationale Zusammenarbeit zur Entwicklung der Luftschiffahrt. *Pierre Etienne Flandin.* Nord und Süd. Oct., 1928.

———. Avions commerciaux et avions de guerre. *Pierre Faure.* Rev. Deux Mondes. Feb. 15, 1929.

Balkans. Russian policy in the Balkans. *Dimitri Jotzow.* Contemp. Rev. Jan., 1929.

Belgian-Dutch Relations. Holland und Belgien. *H. T. Colenbrander.* Nord und Süd. Oct., 1928.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. La question de l'Escaut et le différend hollando-belge. *Paul Bastid.* Rev. Gén. Droit Int. Pub. Nov.-Dec., 1928.

———. L'entretien de l'Escaut suivant les traités. *Jonkheer W. J. M. van Eysinga.* Rev. Droit Int. et Légis. Comp. No. 6, 1928.

Bolivia-Paraguay Dispute. The Bolivia-Paraguay dispute. *Lester H. Woolsey.* Am. Jour. Int. Law. Jan., 1929.

———. Bolivie et Paraguay. *P. De Hillotte.* Rev. Pol. et Parl. Jan., 1929.

———. Der Konflikt zwischen Bolivien und Paraguay. *Ramon V. Caballero de Bedoya* und *Alcides Arguedas.* Nord und Süd. Jan., 1929.

———. The dispute between Bolivia and Paraguay. *Andrew N. Cleven.* Current Hist. Jan., 1929.

———Bolivia and Paraguay. *E. W. Polson Newman.* Contemp. Rev. Feb., 1929.

British Foreign Policy. The problem of British foreign policy. *Sir Charles Petrie.* Nine. Cent. Dec., 1928.

———. A plea for an independent foreign policy. Round Table. Dec., 1928.

———. Foreign policy without sentiment. Foreign policy: towards the new orientation. *"Truvor."* Fort. Rev. Dec., 1928; Feb., 1929.

———. British influence in Japan. *H. Vere Redman.* Contemp. Rev. Feb., 1929.

Caribbean. The relations between Cuba and the United States. *C. de la Torriente.* Rev. Droit Int. Sci. Dipl. et Pol. July-Sept., 1928.

———. The new peace in the Caribbean. *Cyrus French Wicker.* Century. Feb., 1929.

Chemical Warfare. Chemical warfare—its possibilities and probabilities. *Elvira K. Fradkin.* Int. Conciliation. Mar., 1929.

China. Chinas Verträge. *O. Scholz.* Nord und Süd. Dec., 1928.

———. Chinese labour and western responsibilities. *Count Sforza.* Contemp. Rev. Dec., 1928.

———. Deutschlands Rolle in Chinas Kampf um seine Gleichberechtigung. *Paul Ostwald.* Der Türmer. Jan., 1929.

Codification. La codification du droit international en Europe et en Amérique. *Hans Wehberg.* Rev. Droit. Int. July-Sept., 1928.

Colonies. The position of the colonies in world progress. *J. M. Kenworthy.* Fort. Rev. Jan., 1929.

Constantinople. A page of diplomatic history: Russian military leaders and the problem of Constantinople during the war. *Michael T. Florinsky.* Pol. Sci. Quar. Mar., 1929.

Consular Service. Amenability of foreign consuls to judicial process in the United States. *Julius I. Puente.* Pa. Law Rev. Feb., 1929.

———. Consular protection of the estates of deceased nationals. *Julius I. Puente.* Ill. Law Rev. Mar., 1929.

Danube. La commission européenne du Danube et le dernier avis consultatif de la cour. *Henri Hajnal.* Rev. Droit Int. et Légis. Comp. No. 4–5, 1928.

Danzig. La question de Dantzig. *G. Chklaver.* Rev. Droit Int. Oct.-Dec., 1928.

Dardanelles. Russia, the straits question, and the European powers, 1904–8. *William L. Langer.* English Hist. Rev. Jan., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Diplomatic Service. Classification, immunités et privilèges des agents diplomatiques (*suite et fin*). *Francis Deák.* Rev. Droit Int. et Légis. Comp. No. 4–5, 1928.

———. Ambassadorial rank for ministers. *Perry Belmont.* Current Hist. Jan., 1929.

Disarmament. Abrüstung oder Aufrüstung? *Louis de Brouckère.* Nord und Süd. Der Ursprung des internationalen Schiedsverfahren. *Lord Robert Cecil.* Nord und Süd. Oct., 1928; Jan., 1929.

———. Abrüstung und Kaiserplan vor dem Kriege 1870. *Gustav Roloff.* Die Ersatzfrage in den Freiwilligenheeren Englands und Deutchlands. *Max Neuburger.* Preuss. Jahrbücher. Nov., Dec., 1928.

———. Les accords navales. *René La Bruyère.* Rev. Deux Mondes. Nov. 1, 1928.

———. The threat of Anglo-American naval rivalry. *Allen W. Dulles.* The strategy of Singapore. *Nicholas Roosevelt.* For. Affairs. Jan., 1929.

———. The "big navy" of the United States. *Ignatius Phayre.* Quar. Rev. Jan., 1929.

———. The Anglo-French accord on the limitation of naval armaments. *Charles Cheney Hyde.* Am. Jour. Int. Law. Jan., 1929.

———. The Anglo-French project for limitation of armament. Int. Conciliation. Jan., 1929.

———. Erhvervskrisen ved Aarsskiftet. *Rud. Christiani.* Gads Danske Mag. Jan., 1929.

———. Après le pacte naval anglo-français. *Lord Grey.* Rev. Mondiale. Jan. 15, 1929.

———. Should America disarm? I. A new national preparedness. *Kirby Page.* II. The delusions of pacifists. *Bradley A. Fiske.* Forum. Feb., 1929.

———. National granaries: a step to international disarmament. *Herbert M. Thompson.* Contemp. Rev. Feb., 1929.

———. Broken pledges and lost cruisers. *Sir Archibald Hurd.* The rebirth of German sea power. *Hector C. Bywater.* Nine. Cent. Feb., 1929.

———. The myth of disarmament. *Albin E. Johnson.* Nation. Mar. 13, 1929.

Dollar Diplomacy. Notre diplomatie économique. *Pierre Lyautey.* Rev. de Paris. Jan. 15, 1929.

Economic Boycott. War embargoes—planned or involuntary. *Editor.* New Repub. Feb. 27, 1929.

Entente. Anglo-French friendship: retrospect and a moral. *Sir Thomas Barclay.* Fort. Rev. Jan., 1929.

Europe. Die Vereinigten Staaten von Europa? *Emile Borel.* Nord und Süd. Oct., 1928.

———. Vues sur l'Europe centrale. *Julien Reyne.* Rev. Mondiale. Jan. 1, 1929.

Extradition. De la réciprocité en matière d'extradition. *H. Donnedieu de Vabres.* Rev. Gén. Droit Int. Pub. Sept.-Oct., 1928.

Far East. Der Fortschritt im Fernen Osten. *N. Nagaoka.* Nord und Süd. Nov., 1928.

———. China, Japan, and Manchuria. *Shigeyoshi Obata.* Nation. Jan. 2, 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Fashoda Crisis. A survey of British policy in the Fashoda crisis. *T. W. Riker.* Pol. Sci. Quar. Mar., 1929.

Foreign Investments. The dollar abroad. *Max Winkler.* For. Pol. Assoc. Inf. Service. Vol. V, Supp. no. 1 (Mar., 1929.).

Franco-German Accord. Ein Vorschlag zur parlamentarischen Zusammenarbeit zwischen Frankreich und Deutschland. *Jean Montigny.* Nord und Süd. Oct., 1928.

———. La première crise franco-allemande au lendemain du traité de paix. *Guy de Traversay.* La Grande Rev. Jan., 1929.

Freedom of the Seas. The freedom of the seas. *E. A. Taylor.* The freedom of the seas and the Kellogg pact. *F. G. Stone.* Nine. Cent. Jan., Feb., 1929.

———. Freedom of the seas the crux of disarmament. I. A British point of view. *Wickham Steed.* II. An American standpoint. *James Thayer Gerould.* The freedom of the seas. *William E. Borah.* Current Hist. Feb., Mar., 1929.

French Foreign Policy. M. Poincaré and international problems. *Sisley Huddleston.* Contemp. Rev. Jan., 1929.

———. La France aux États-Unis. *X.* Nouvelle Rev. Jan. 1, 1929.

French Indo-China. La fondation définitive de l'Indochine française. *Gabriel Hanotaux.* L'œuvre de la France en Indo Chine. *Albert Sarraut.* Rev. de Paris. Jan. 1, 15, 1929.

Guatemala-Honduras Dispute. The Guatemala-Honduras boundary dispute. *Raye R. Platt.* For. Affairs. Jan., 1929.

Institute of International Law. L'institut de droit international en Suède. *James Brown Scott.* Rev. Droit Int. July-Sept., 1928.

———. La session de Stockholm de l'institut de droit international. *Fernand de Visscher.* Rev. Droit Int. et Légis. Comp. No. 4–5, 1928.

———. Institut de droit international.—Session de Stockholm. *L. de Montluc.* Rev. Droit Int. Sci. Dipl. et Pol. July-Sept., 1928.

Intellectual Coöperation. L'institut international de coöpération intellectuelle en 1927–28. *Julien Luchaire.* L'Europe Nouvelle. Sept. 8, 1928.

———. Das internationale Institut für geistige Zussammenarbeit im Jahre 1927–28. *Julien Luchaire.* Nord und Süd. Oct., 1928.

International Labor Organization. L'organisation internationale du travail en 1928. *P. Pic.* Rev. Gén. Droit Int. Pub. Nov.-Dec., 1928.

———. Das internationale Arbeitsamt. *Albert Thomas.* Die sofortige Übersetzung der Reden bei der internationalen Arbeitskonferenz. *Paul Belin.* Nord und Süd. Dec., 1928; Feb., 1929.

International Law. The law of civilization. *E. A. Harriman.* Boston Univ. Law Rev. Jan., 1929.

———. Les devoirs du professeur de droit international en temps de crise. *Hans Wehberg.* L'Esprit Int. Jan., 1929.

———. The teaching of international law in America. *Manley O. Hudson.* Am. Bar Assoc. Jour. Jan., 1929.

Intervention. L'intervention devant les juridictions internationales. *Paul Bastid.* Rev. Pol. et Parl. Jan., 1929.

Italian Policy. Italy abroad. *Silvio Trentin.* Atlan. M. Jan., 1929.

Justiciable Disputes. Différends justiciables et non-justiciables. *Jean Hostie.* Rev. Droit Int. et Légis. Comp. No. 4–5, 1928.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Latin American Policy. What our Latin-American neighbors think of us. *L. L. Bernard.* Hist. Outlook. Dec., 1928.

———. La panaméricanisme et l'Europe. *Raoul Fernandes.* Rev. Gén. Droit Int. Pub. Nov.-Dec., 1928.

———. Latin America, Europe, and the United States. *F. Garcia Calderon.* For. Affairs. Jan., 1929.

———. The key to Latin-American trade. *Julius Klein.* What Mr. Hoover did not see. *Arnold Roller.* Trade and culture in Latin America. *Manuel Gamio.* Nation. Jan. 16, 1929.

———. The Chaco dispute and the problems of Latin America. *Sir Charles Petrie.* English Rev. Feb., 1929.

———. The South American commission, 1817–1818. *Watt Stewart.* Hisp. Am. Hist. Rev. Feb., 1929.

———. A new Latin-American policy. *Raymond Leslie Buell.* Forum. Feb., 1929.

———. Foreigners' civil and legal rights in Latin America. *Enrique Olaya Herrera.* Current Hist. Feb., 1929.

Laws of War. The laws of war: their rise in the nineteenth century and their collapse in the twentieth. *Sterling E. Edmunds.* Va. Law Rev. Feb., 1929.

League of Nations. Le congrès des associations pour la S. D. N. *Georges Scelle.* Les antécédents de la société des nations: le projet de paix perpétuelle de l'abbé de Saint-Pierre. *Ch. Dupuis.* Rev. Droit Int. July-Sept., Oct.-Dec., 1928.

———. Die Kontinente im Rat des Völkerbundes. *Julius Becker.* Europ. Rev. Oct., 1928.

———. Spaniens Rückkehr in den Völkerbund. *José Quinones de Leon.* Nord und Süd. Oct., 1928.

———. Briand in Genf. *René Schickele.* Neue Rundschau. Nov., 1928.

———. La IX^{e} assemblée de la société des nations. *Auguste Gauvain.* L'Esprit Int. Jan., 1929.

———. Work of the ninth assembly of the league of nations. *James W. Garner.* Am. Jour. Int. Law. Jan., 1929.

———. America's rôle in the league of nations. *Manley O. Hudson.* Am. Pol. Sci. Rev. Feb., 1929.

———. Germany galvanizes the league. *Felix Morley.* Nation. Feb. 6, 1929.

Locarno. Zurück zu Locarno! *Viscount d'Abernon.* Nord und Süd. Nov., 1928.

Manchuria. The future of Manchuria. *George Leslie Shaw.* Fort. Rev. Dec., 1928.

Mandates. The operation of the mandate system in Africa. *Rayford W. Logan.* Jour. Negro Hist. Oct., 1928.

———. La costituente siriana. I. II. *Selim Cattan.* Rassegna Italiana. Oct., 1928; Jan., 1929.

———. New Zealand. III. Geneva and Samoa. Round Table. Dec., 1928.

———. The future of Tanganyika. *Spencer Campbell.* Fort. Rev. Jan., 1929.

Maritime Law. What is sea law? *Carter Williams.* Nation. Feb. 27, 1929.

Mediterranean. Crispi e la politica mediterranea e coloniale. II. *G. Palumbo Cardella.* Politica. June-Aug., 1928.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Mexico. The doctrine of positive acts. *Guy Stevens.* Am. Jour. Int. Law. Jan., 1929.

———. Issues between the United States and Mexico: I. A view that the questions are still unsettled. *Guy Stevens.* II. A new era of peaceful relations with Mexico. *Ernest Gruening.* Current Hist. Mar., 1929.

Minorities. L'article 19 du pacte de la société des nations et le traité entre la Pologne et les principales puissances alliées et associées, sur la protection des minorités. *B. Bouffall.* Rev. Droit Int. et Légis. Comp. No. 6, 1928.

———. The Jews under the minorities treaties. *Israel Cohen.* Contemp. Rev. Jan., 1929.

———. Le problème des minorités. *William Martin.* Le Correspondant. Jan. 25, 1929.

Monroe Doctrine. A Latin-American criticism of the Monroe doctrine. *Francisco Garcia Calderon.* Current Hist. Jan., 1929.

Morocco. Les trois ans de M. Steeg au Maroc. *Franck Levray.* Le Correspondant. Jan. 25, 1929.

Near East. La Turchia di Kemal e l'Italia. *Mario del Sordo.* Rassegna Italiana. Oct., 1928.

———. Italie et Yougoslavie. *L. Dumont-Wilden.* Rev. Bleue. Feb. 16, 1929.

Neutrality. Le violation de la neutralité belge et le plan Schlieffen. *Charles De Visscher.* Rev. Droit Int. et Légis. Comp. No. 6, 1928.

———. The origin of the law of unneutral service. *Norman L. Hill.* Am. Jour. Int. Law. Jan., 1929.

———. The first armed neutrality. *Charles F. Carusi* and *Constantine D. Kojouharoff.* Nat. Univ. Law Rev. Jan., 1929.

Nicaragua. Nicaragua: the next step. *Editor.* New Repub. Jan. 23, 1929.

Oil Policy. La politique du pétrole: L'application de la loi de 1918. Les supertrusts à l'étranger. Les rôles du pétrole russe. *François Lescazes.* Nouvelle Rev. Nov. 1, 15, Dec. 15, 1928; Jan. 15, 1929.

Opium Traffic. L'aspect international du problème des stupéfiants manufacturés. *Michel Liais.* Rev. Gén. Droit Int. Pub. Sept.-Oct., 1928.

———. A step toward solution of the narcotics problem. *C. K. Crane.* Current Hist. Jan., 1929.

Outlawry of War. Le caractère juridique du "pacte de Paris." *R. Erich.* Rev. Droit Int. Sci. Dipl. et Pol. July-Sept., 1928.

———. The multilateral treaty for the renunciation of war. *Edwin M. Borchard.* Am. Jour. Int. Law. Jan., 1929.

———. Should the senate ratify the Kellogg treaty? *Frank H. Simonds.* Forum. Jan., 1929.

———. Kellogg pact and reparations settlement as steps toward peace. *James Thayer Gerould.* Current Hist. Feb., 1929.

———. The nonstop peace advocate. *William Hard.* World's Work. Mar., 1929.

Panama. L'indépendance de la république de Panama. *Jean Rivera Reyes.* Rev. Droit Int. Oct.-Dec., 1928.

Pan American Conferences. The development of John Quincy Adams's policy with respect to an American confederation and the Panama congress, 1822–1825. *Charles Wilson Hackett.* Hisp. Am. Hist. Rev. Nov., 1928.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. The pan-American conference on conciliation and arbitration. *James Brown Scott.* Am. Jour. Int. Law. Jan., 1929.

———. The pan-American peace treaties. *Andrew N. Cleven.* The practical significance of the pan-American treaties. *Orestes Ferrara.* A new era of peace and justice in the Americas. *Ricardo Alfaro.* Current Hist. Feb., 1929.

Passports. Passports—for revenue only. *John Hanna.* Atlan. M. Feb., 1929.

Peace Conference. L'histoire à la conférence de la paix. *Paul Mantoux.* L'Esprit Int. Jan., 1929.

———. Deutschlands Sendung und der Vertrag von Versailles. *Robert Bosshart.* Der Türmer. Jan., 1929.

Peace Treaties. Die kriegerischen Friedensverläge. *Pierre Hamp.* Nord und Süd. Feb., 1929.

Polish Alliance. L'alliance polonaise. *X X X.* Rev Bleue. Jan. 19, 1929.

Prisoners of War. Les prisonniers de guerre. *Ct^e de Bosdari.* Rev. Droit Int. July-Sept., 1928.

Radio Control. Principes de droit international régissant la T. S. F. *Arrigo Cavaglieri.* Rev. Droit Int. July-Sept., 1928.

Recognition. L'Estonie et la reconnaissance des etats. *C. R. Pusta.* Rev. Droit Int. July-Sept., 1928.

———. Recognition and multipartite treaties. *Manley O. Hudson.* Am. Jour. Int. Law. Jan., 1929.

———. The validity of the acts of unrecognized de facto governments in the courts of non-recognizing states. *N. D. Houghton.* Minn. Law Rev. Feb., 1929.

Refugee Problem. Salving the "outcasts of the war." *John H. Harris.* Contemp. Rev. Dec., 1928.

Relief Work. Ten years of American relief activities abroad. *H. C. Jaquith.* Current Hist. Feb., 1929.

Reparations. The mythology of reparations. *A. F.* Econ. Jour. Sept., 1928.

———. Reparations and war debts. Round Table. Dec., 1928.

———. The financial liquidation of the war. For. Pol. Assoc. Inf. Service. Dec. 21, 1928.

———. Das Dawes-Abkommen und die Reichsbank. *Morosus.* Preuss. Jahrbücher. Jan., 1929.

———. Reparations. *Geo. F. Ort.* Lawyer and Banker. Jan.-Feb., 1929.

———. German reparations. Gold in politics. *"Augur."* Fort. Rev. Jan., Feb., 1929.

———. The ethical basis of reparations. *Editor.* The real cost of reparations. *H. N. Brailsford.* A bank to promote peace. *Editor.* "Final and definitive:" the reparations experts at work in Paris. *Sisley Huddleston.* New Repub. Jan. 16, 23, Mar. 20, 1929.

———. Die Grenzen der Reparationen. *Bernhard Dernburg.* Nord und Süd. Feb., 1929.

———. Le problème des réparations. *Georges Lachapelle.* Rev. Pol. et Parl. Feb., 1929.

———. Il plano Dawes. *Federico Flora.* Nuova Antologia. Feb., 1, 1929.

———. La révision du plan Dawes. *A. Mendelssohn-Bartholdy.* Rev. Mondiale. Feb. 1, 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. The question of Germany's reparation payments. *Ernest Minor Patterson.* Current Hist. Mar., 1929.

Rhine. La première tentative de république rhénane. I. II. *Guy de Traversay.* Rev. de Paris. Nov. 15, Dec. 1, 1928.

———. La France sur le Rhin. I. La leçon du passé. II. L'occupation. III. La leçon du présent. * * *. Rev. Deux Mondes. Dec. 15, 1928; Jan. 1, 15, 1929.

———. The Rhineland occupation. *Wilhelm Marx.* For. Affairs. Jan., 1929.

———. L'occupation des pays rhénans. *Jacques Seydoux.* L'Esprit Int. Jan., 1929.

———. The evacuation of the Rhineland. *Mildred S. Wertheimer.* For. Pol. Assoc. Inf. Service. Mar. 20, 1929.

Russia. Les traités internationaux de la Russie soviétique. *B. Mirkine-Guetzevitch.* Rev. Droit Int. Oct.-Dec., 1928.

———. Les bolcheviks préparent la guerre. II. *XXX.* Rev de Paris. Nov. 1, 1928.

———. The soviets and China. *Mencius Junior.* English Rev. Feb., 1929.

———. Policy of the United States and other nations with respect to the recognition of the Russian soviet government, 1917–1919. *N. D. Houghton.* Int. Conciliation. Feb., 1929.

———. The United States and Russia. I. II. *Vera A. Micheles.* For. Pol. Assoc. Inf. Service. Feb. 20, Mar. 6, 1929.

Saar. Saarland und Saarvolk. *Hans Siegfried Weber.* Der Türmer. Nov., 1928.

———. The Saar valley. *Kenneth Headlam-Morley.* Contemp. Rev. Jan., 1929.

Shantung. China revives the Shantung question. *Kiyoshi K. Kawakami.* Nine. Cent. Dec., 1928.

Slavery. La lutte internationale contre l'esclavage. *Jean Goudal.* Rev. Gén. Droit Int. Pub. Sept.-Oct., 1928.

Spain. Spain and America. *Salvador de Madariaga.* Forum. Mar., 1929.

———. Spanien und Deutschland in Geschichte und Gegenwart. *Peter Rassow.* Deutsche Rundschau. Feb., 1929.

Tangier. The international status of Tangier. *Charles G. Fenwick.* Am. Jour. Int. Law. Jan., 1929.

Tariff. High tariff diplomacy. *Drew Pearson.* Nation. Feb. 27, 1929.

Treaties. The interpretation of multilateral treaties. *Quincy Wright.* Am. Jour. Int. Law. Jan., 1929.

———. The effect of war upon treaties and private rights under treaties. *Case and Comment Editor.* Yale Law Jour. Feb., 1929.

Tyrol. The south Tyrol question. *Ian F. D. Morrow.* Edin. Rev. Jan., 1929.

Vatican. New developments in the relations between the papacy and the state. *Luigi Villari.* Quar. Rev. Jan., 1929.

———. The pope and Mussolini. *Adam Day.* The papal-fascist alliance. *Robert Dell.* Nation. Feb. 20, Mar. 27, 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. The vatican's new friends. *Emil Lengyel.* New Repub. Feb. 27, 1929.

———. Italy grants the pope sovereign rights. *Eloise Ellery.* Current Hist. Mar., 1929.

Vilna. La question de Wilna. *Stanislas Kutrzeba.* La situation juridique de Vilna et de son territoire. *G. Scelle.* Rev. Gén. Droit Int. Pub. Sept.-Oct., Nov.-Dec., 1928.

———. Mémoires, opinions, consultations concernant les frontières de la Pologne avec la Lithuanie. *André Mandelstam, Louis Le Fur, A. de Lapradelle.* Rev. Droit Int. Oct.-Dec., 1928.

———. Der polnisch-litauische Konflikt. *Franciszek Sokal.* Der litauisch-polnische Konflikt. *Vencelas Sidzikauskas.* Nord und Süd. Oct., Dec., 1928.

War. The sublimation of war. *A. G. Baird Smith.* Nine. Cent. Dec., 1928.

———. Krieg und Frieden. *Emil Ludwig.* Nord und Süd. Dec., 1928.

War Debts. L'accord de Washington sur les dettes de guerre de la France. *Henry Bérenger.* Rev. Pol. et Parl. Jan., 1929.

War of 1812. Between the acts at Ghent. *Emily Stone Whitely.* Va. Quar. Rev. Jan., 1929.

World Court. Les États-Unis et la cour permanente de justice internationale. *H. Barrett Learned.* Rev. Droit Int. July-Sept., 1928.

———. L'affaire du "Lotus." *Maurice Travers.* La cour permanente de justice internationale à la neuvième assemblée de la société des nations. *Åke Hammarskjäld.* Quelques observations sur le caractère juridique des avis consultatifs et les conditions requisés pour une demande d'avis. *Rafael Erich.* Rev. Droit Int. et Légis. Comp. Nos. 4–5, 6, 1928.

———. The seventh year of the permanent court of international justice. *Manley O. Hudson.* Am. Jour. Int. Law. Jan., 1929.

———. Mr. Root proposes. *Editor.* New Repub. Mar. 20, 1929.

World Peace. Die Bedingungen eines dauernden Friedens. *Paul Painlevé.* Die Grundlagen des dauernden Friedens. *Graf Albert Apponyi.* Nord und Süd. Nov., Dec., 1928.

———. Bigger and better armaments. Prospects for peace. *Charles A. Beard.* Harper's. Jan., Feb., 1929.

World War. John Morley und Edward Grey. *A. Mendelssohn-Bartholdy.* Der Einfluss Nicolson's und Crowe's auf die Politik Sir Edward Grey's. *Georg Vogel.* Europäische Gespräche. Nov.-Dec., 1928.

———. Le drame de Jutland. I. II. *Edmond Delage.* Rev. de Paris. Dec. 1, 15, 1928.

———. Colonel House's career. *Stephen Gwynn.* Cornhill Mag. Jan., 1929.

———. The final revelations of Colonel House. *G. P. Gooch.* Contemp. Rev. Jan., 1929.

———. Graf Stefan Tisza und der Eintritt Italiens in den Weltkrieg. *Oskar v. Wertheimer.* Preuss. Jahrbücher. Jan., 1929.

———. Lord Oxford's conduct of the war. *Frederick Maurice.* Edin. Rev. Jan., 1929.

———. Greece on the rack. *Sir T. Montgomery Cuninghame.* English Rev. Jan., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. War-guilt: a possible solution. *Editor.* War responsibility and moral ethics. *Robert C. Binkley.* New Repub. Jan. 2, 9, 1929.

———. Revelations in latest British war documents. *Sidney B. Fay.* The responsibility for the Serajevo assassination. *Vaso Trivanovitch.* Current. Hist. Jan., Mar., 1929.

———. Mord und Justizmord. Aus der Vorgeschichte des Mordes von Sarajevo und des Königreichs Jugoslawien. *M. Boghitschewitsch.* Süddeutsche Monatshefte. Feb., 1929.

———. Die Sympathien der Serben im Kriege von 1870/71. *Carl C. v. Loesch.* Deutsche Rundschau. Feb., 1929.

———. Ma mission en Russie (1914–1918). I. Le drame d'une conscience royale. *C. Diamandy.* Rev. Deux Mondes. Feb. 15, 1929.

———. Colonel House's story. *David S. Muzzey.* Pol. Sci. Quar. Mar., 1929.

———. John Morley and the war. *Raymond Beazley.* Nation. Mar. 13, 1929.

JURISPRUDENCE

Books

Archer, Gleason L. History of the law. Pp. 428. Boston: Suffolk Law School Press.

Barton, Sir Dunbar Plunket. Shakespeare and the law. Boston: Houghton Mifflin.

Brunner, Heinrich. Deutsche Rechtsgeschichte. (2te Auflage, neu bearbeitet von Claudius Freiherrn von Schwerin.) München: Duncker & Humblot.

Cyclopedia of federal procedure, civil and criminal. Chicago: Callaghan & Co.

Duyvendak, J. J. L., ed. The book of Lord Shang: a classic of the Chinese school of law. Pp. 350. London: Arthur Probsthain.

Frankenstein, Ernst. Internationales Privatrecht. Pp. xi+576. Berlin: Walther Rothschild.

González, D. Adolfo García. Bases para una organización completa del poder judicial español. San Sebastian: Tip. Gráfica Vasca.

Goulé, P., et *Daguin, C.* Code civil des États-Unis du Brésil. Paris: Libr. Générale.

Guild, June Purcell. Living with the law. N. Y.: New Republic.

Jolly, Julius. Hindu law and custom. (Translated by B. Ghosh.) Pp. xi +341. Calcutta: Greater India Society.

Kermack, S. G. A handbook of the law of criminal procedure in Palestine. Jerusalem: Tarbuth, Ltd.

Kuhlman, Augustus Frederick. A guide to material on crime and criminal justice. Pp. 633. N. Y.: H. W. Wilson Co.

Meijers, E. M. Le droit ligurien de succession en Europe occidentale. Tome I. Les pays alpins. Pp. viii+237+194. La Haye: Nijhoff.

Parker, Junius. Some aspects of the French law. N. Y.: Scribner's.

Roy, Dinesh Chandra. The Indian penal code. 2 vols. Pp. lxv+1098; lxii+94. Calcutta: M. C. Sarkar & Sons.

Smith, Munroe. The development of European law. Pp. 342. N. Y.: Columbia Univ. Press.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Vinogradoff, Lady, ed. The collected papers of Paul Vinogradoff. (With a memoir by H. A. L. Fisher.) 2 vols. Pp. viii+326; viii+509. Oxford: Clarendon Press.

Articles

Advocacy. Advocacy as a specialized career. *Robert H. Jackson.* N. Y. Law Rev. Mar., 1929.

Air Law. Who owns the air space? *John A. Eubank.* Am. Law Rev. Jan.-Feb., 1929.

———. Sky law. *Dudley Cammett Lunt.* World's Work. Mar., 1929.

Alienists. Demobilizing the alienists. *Malcolm Logan.* N. Am. Rev. Jan., 1929.

———. Regulation of expert testimony as to insanity in criminal cases. *Case and Comment Editor.* Yale Law Jour. Jan., 1929.

Ambulance Chasing. The tweedledee and tweedledum analysis of ambulance chasing. *A. A. Golden.* Lawyer and Banker. Jan.-Feb., 1929.

Appeals. Simplification of appellate procedure. *Edson R. Sunderland.* Cincinnati Law Rev. Jan., 1929.

———. The abolition of writs of error in the federal courts. *Philip M. Payne.* Va. Law Rev. Feb., 1929.

———. Effect of statute abolishing writ of error in federal procedure. *Herman E. Compter.* Cornell Law Quar. Feb., 1929.

———. Appellate practice and procedure in North Carolina. *Frederick B. McCall.* N. C. Law Rev. Feb., 1929.

Arbitration. Arbitration of commercial disputes. *Charles Newton Hulvey.* Va. Law Rev. Jan., 1929.

———. Problems in statutory construction arising out of arbitration laws. *Note Editor.* Columbia Law Rev. Feb., 1929.

———. The lawyer's relation to arbitration. *Carl E. Herring.* Jour. Am. Judicature Soc. Feb., 1929.

———. Arbitration agreements and the conflict of laws. *Raymond J. Heilman.* Yale Law Jour. Mar., 1929.

Bar. Object, difficulties, and methods of bar coöperation. *Charles Evans Hughes.* Am. Bar Assoc. Jour. Mar., 1929.

Baumes Law. Constitutionality and mandatory nature of the Baumes law. *R. A. B.* St. John's Law Rev. Dec., 1928.

Calendar Congestion. The doctrine of *'forum non conveniens* in Anglo-American law. *Paxton Blair.* Columbia Law Rev. Jan., 1929.

Capital Punishment. Capital punishment. *Sir Reginald Craddock.* Nine. Cent. Dec., 1928.

Common Law. What is the common law? *Albert H. Putney.* Nat. Univ. Law Rev. Jan., 1929.

———. The common law's debt to annotations. *George F. Longsdorf.* Miss. Law Jour. Jan., 1929.

Conflict of Laws. La sixième conférence de droit international privé. *J. Kosters.* Rev. Droit Int. et Légis. Comp. No. 6, 1928.

———. Incorporation, multiple incorporation, and the conflict of laws. *Henry E. Foley.* Harvard Law Rev. Feb., 1929.

———. Conflict of laws: recent development concerning marriage. *Francis Deák.* Mich. Law Rev. Feb., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Contempt of Court. Procedure in contempt cases. *J. F. Hulse.* Tex. Law Rev. Feb., 1929.

Crime. Uniform crime records. *William F. Rutledge.* The statistical bureau—a police necessity. *Fred. A. Knoles.* Jour. Crim. Law and Crim. Nov., 1928.

———. Crime. *T. Seton Jevons.* Lawyer and Banker. Jan.-Feb., 1929.

———. If we really would lessen crime. *H. Addington Bruce.* Century. Feb., 1929.

———. Methods of detecting guilt: word association, reaction-time method. *Carlton E. Spencer.* Ore. Law Rev. Feb., 1929.

———. Principal characteristics of legal policy in the recent European drafts of criminal laws: a comparative study. *Kurt Junckerstorff.* Pa. Law Rev. Feb., 1929.

Criminology. The person versus the act in criminology. *E. H. Sutherland.* Cornell Law Quar. Feb., 1929.

———. Criminal law and criminology. *Albert Coates.* N. C. Law Rev. Feb., 1929.

Delinquency. The legal approach to the problem of juvenile delinquency. *John S. Bradway.* South. Calif. Law Rev. Dec., 1928.

———. The relation of public recreation to delinquency. *Lee F. Hanmer.* Am. City. Jan., 1929.

Equity. The narrative record in federal equity appeals. *Erwin N. Griswold* and *William Mitchell.* Harvard Law Rev. Feb., 1929.

French Procedure. French criminal procedure. II. *A. C. Wright.* Law Quar. Rev. Jan., 1929.

German Justice. Krisis der Justiz. *Gustav Otto Müller* u. *Andere.* Süddeutsche Monatshefte. Jan., 1929.

———. Die Krise der deutschen Justiz. *Martin Beradt.* Neue Rundschau. Feb., 1929.

Indeterminate Sentence. Indeterminate sentence and soviet penal law. *M. A. Tsheltrow-Bebutow.* Jour. Crim. Law and Crim. Nov., 1928.

Indictment. The short form of indictment. *Rollin M. Perkins.* Ia. Law Rev. Feb., 1929.

Law Merchant. The origin and development of the law merchant. *Charles Kerr.* Va. Law Rev. Feb., 1929.

Legal Education. The institute of jurisprudence. *George H. Boke.* Calif. Law Rev. Jan., 1929.

———. The training of lawyers in Germany. *Louis O. Bergh.* Am. Bar Assoc. Jour. Jan., 1929.

———. Problems of the modern law school. *John J. Cromwell.* W. Va. Law Quar. Feb., 1929.

———. Present-day law schools: a review of Carnegie bulletin number twenty-one. *J. Connie Covington.* Tenn. Law Rev. Feb., 1929.

———. The beginning of the legal clinic of the University of Southern California. *John S. Bradway.* South. Calif. Law Rev. Feb., 1929.

———. On the study of legal science. *Cassius J. Keyser.* Yale Law Jour. Feb., 1929.

Legal History. Some difficulties in the way of a history of American law. *Eldon R. James.* Ill. Law Rev. Mar., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Legal Research. Fact research in law administration. *Charles E. Clark.* Miss. Law Jour. Jan., 1929.

———. Legal research in West Virginia. *Robert M. Hutchins.* W. Va. Law Quar. Feb., 1929.

Livingston Code. The Livingston code. *Elon H. Moore.* Jour. Crim. Law and Crim Nov., 1928.

Mandamus. The modern American mandamus. *Note Editor.* Ia. Law Rev. Feb., 1929.

Parole. Factors for predicting parole success. *Howard G. Borden.* Jour. Crim. Law and Crim. Nov., 1928.

Penal Law. Los antecedentes del nuevo código penal. *José Antón.* Rev. Gen. Legis. y Juris. Jan., 1929.

———. La concezione tecnico-guiridica del diritto penale. *Ugo Spirito.* Nuovi Studi di Diritto, Economia e Politica. Jan.-Feb., 1929.

Philosophy of Law. La théorie de la formation du droit par degrés. *Roger Bonnard.* Rev. Droit Pub. et Sci. Pol. Oct.-Dec., 1928.

———. The struggle for law. *Henry Upson Sims.* Canadian Bar Rev. Jan., 1929.

———. The law behind law. *John Dickinson.* I. II. Columbia Law Rev. Feb., Mar., 1929.

———. Law as a social instrument. *Editor.* New Repub. Mar. 27, 1929.

Predictability. Predictability in the administration of criminal justice. *Sheldon Glueck* and *Eleanor T. Glueck.* Harvard Law Rev. Jan., 1929.

Prisons. The prisons in Poland. *Edouard Neymark.* Jour. Crim. Law and Crim. Nov., 1928.

Procedure. Science and legal procedure. *Roscoe Pound.* Am. Jour. Psychiatry. July, 1928.

———. The drafting of a code of criminal procedure. *Edwin R. Keedy.* Am. Bar Assoc. Jour. Jan., 1929.

———. Shall New York surrender leadership in procedural reform? *Harold R. Medina.* Columbia Law Rev. Feb., 1929.

———. Proposed changes in Iowa procedure. *Leland S. Forrest.* Ia. Law Rev. Feb., 1929.

———. Suggested changes in North Carolina civil procedure. *Atwell Campbell McIntosh.* N. C. Law Rev. Feb., 1929.

———. Minnesota pleading as "fact pleading." *G. W. C. Ross.* Minn. Law Rev. Mar., 1929.

Psychiatry. Medico-legal proposals of the American psychiatric association. *Karl A. Menninger.* Jour. Crim. Law. and Crim. Nov., 1928.

Public Defender. Guilty or not guilty? *Justin Miller.* N. Am. Rev. Mar., 1929.

Racketeer. The function of the racketeer. *R. L. Duffus.* New Repub. Mar. 27, 1929.

Roman Law. Santi Romano. I. *Arnaldo Volpicelli.* Nuovi Studi di Diritto, Economia e Politica. Jan.-Feb., 1929.

Stare Decisis. Jurisprudence constante and stare decisis contrasted. *Robert L. Henry.* Am. Bar Assoc. Jour. Jan., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Statute. What is a statute under the federal judicial code? *W. F. D.* Yale Law Jour. Jan., 1929.

Technicalities. Hobbled justice—a talk with judges. *Thomas W. Shelton.* Minn. Law Rev. Jan., 1929.

Territorial Law. Law in space. II. *Charles P. Megan.* Am. Bar Assoc. Jour. Jan., 1929.

Tolstoy. Las ideas penales de Tolstoi. *Antonio Polo Diez.* Rev. Gen. Legis. y Juris. Dec., 1928.

Unification. L'unification législative franco-italienne. *F. Larnaude.* Rev. Droit Int. July-Sept., 1928.

LOCAL GOVERNMENT

Books

Anderson, Nels. Urban sociology. Pp. xv+414+xii. N. Y.: Knopf.

Arnaud, E. La police municipale et rurale. Les gardes champêtres. Pp. 624. Paris: Jouve.

Counts, George S. School and society in Chicago. N. Y.: Harcourt, Brace.

Dymond, T. S. The memoirs of a mayor of Hastings, 1926–7. Pp. xii+148. Hastings (England): F. J. Parsons.

Gilbert, Hiram T. The municipal court of Chicago. Pp. xxxviii+599. Chicago: Hiram T. Gilbert.

Lieck, Albert. Justice and police in England. Pp. xii+153. London: Butterworth.

McMichael, Stanley, and *Bingham, Robert.* City growth essentials. Pp. 430. N. Y.: Dutton.

Maxwell, Bertram W. Contemporary municipal government of Germany. Baltimore: Warwick & York.

Morgan, E. M., and *Schultz, Oscar T.* The coroner and medical examiner. Pp. 101. Washington: Nat. Research Council.

Simon, E. D. How to abolish the slums. London: Longmans.

Sims, Newell L. Elements of rural sociology. Pp. xiv+698. N. Y.: Crowell.

Truxal, Andrew G. Outdoor recreation legislation. (Columbia Univ. Studies.) N. Y.: Columbia Univ. Press.

Wright, S. Fowler. Police and the public. Pp. 140. London: Fowler Wright.

Articles

Assessment. The assessment of real estate and buildings in Rochester, N. Y. *Hazen C. Pratt.* Nat. Mun. Rev. Feb., 1929.

Chicago. Chicago's booze war. *Lloyd Lewis.* New Repub. Mar. 13, 1929.

City-County Consolidation. City-county consolidation in Allegheny county, Pennsylvania. *Rowland A. Egger.* Am. Pol. Sci. Rev. Feb., 1929.

City Manager. The city manager plan of government. Minn. Municipalities. Dec., 1928.

———. Sketches of city managers. III. E. W. Fassett, El Reno. *Gus Reinhardt.* Okla. Mun. Rev. Jan., 1929.

———. Five years of city manager government in Cleveland. *Executive Board of the Citizens' League of Cleveland.* Nat. Mun. Rev. (Supp.) Mar., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

City Planning. Wise planning develops an important city asset—its personality. *J. Franklin Bell.* The airport and the city plan. *George B. Ford.* Am. City. Feb., Mar., 1929.

Commission Government. Illinois municipal history since 1870. VI. Commission governed cities in Illinois. *E. A. Helms.* Ill. Mun. Rev. Mar., 1929.

Condemnation Procedure. Saving time and money for the city in condemnation procedure. *W. C. Bernard.* Am. City. Jan., 1929.

County Government. County government. *Helen M. Rocca.* National League of Women Voters Pamphlet. Sept., 1928.

———. A wet blanket on the county manager plan. *Kirk H. Porter.* Improving county government in North Carolina. *Paul W. Wager.* Nat. Mun. Rev. Jan., 1929.

———. The new charter of Alameda county, California. *Paul M. Cuncannon.* Recent proposals for reorganizing county government in Virginia. *James E. Pate.* Am. Pol. Sci. Rev. Feb., 1929.

English Local Government. Local government. *Neville Chamberlain.* Nine. Cent. Jan., 1929.

———. The bill for the reform of local government. *"Administrator."* English Rev. Jan., 1929.

———. The local government bill. *Jules Menken.* Contemp. Rev. Jan., 1929.

Fire Prevention. A practical plan for providing village and rural fire protection. *National Fire Waste Council.* Am. City. Feb., 1929.

———. Balancing prevention with fighting within the fire department. Essentials of an effective fire prevention bureau. *Harold A. Stone.* Nat. Mun. Rev. Feb., Mar., 1929.

Home Rule. Struggle of Ohio cities for home rule. *J. D. Marshall.* Ill. Mun. Rev. Feb., 1929.

Illinois Municipal Code. Illinois municipal history since 1870. V. Municipal code of 1872—powers of municipalities. *E. A. Helms.* Ill. Mun. Rev. Jan., 1929.

Indiana Municipalities. Indiana municipalities and the state government. *Conrad Wolf.* Ind. Law Jour. Jan., 1929.

Indianapolis. The Indianapolis mayoralty cases. *Robert C. Brown.* Ind. Law Jour. Dec., 1928.

Initiative and Referendum. The initiative, referendum, and recall in German cities. *Roger H. Wells.* Nat. Mun. Rev. Jan., 1929.

Mayor. Our American mayors. XIV. John C. Lodge of Detroit. *W. P. Lovett.* XV. Murray Seasongood of Cincinnati. *Russell Wilson.* XVI. James Rolph, Jr., of San Francisco. *William M. Hines.* Nat. Mun. Rev. Jan., Feb., Mar., 1929.

Metropolitan Area. Metropolitan regions. *San Francisco Bureau of Governmental Research.* Am. City. Jan., 1929.

Municipal Ownership. Developments in municipal ownership of electric plants in Minnesota. *Helen E. Heggie.* Minn. Municipalities. Feb., 1929.

Municipal Reports. Appraising municipal reports. *C. E. Ridley.* Nat. Mun. Rev. Jan., 1929.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Negro Problem. The negro as a municipal problem. *Mary Van Kleeck.* Am. City. Feb., 1929.

New York. The board of estimate and apportionment of New York city. *Joseph McGoldrick.* New York city's income. *Luther Gulick.* Nat. Mun. Rev. Feb. (Supp.). Mar., 1929.

Park Boards. Recent problems of park boards. *Paul J. Thompson.* Lawyer and Banker. Jan.-Feb., 1929.

Police. The Japanese police. *Harry Emerson Wildes.* Jour. Crim Law and Crim. Nov., 1928.

———. Our inefficient police. *Howard McLellan.* N. Am. Rev. Feb., 1929.

Press. Municipal government and the newspaper. *Victor Rosewater.* Nat. Mun. Rev. Mar., 1929.

Proportional Representation. What P. R. has done for Cincinnati. *Henry Bentley.* Nat. Mun. Rev. Feb., 1929.

Prosecuting Attorney. The prosecuting attorney's office—do modern conditions create new duties for this office? *Franklin G. Davidson.* Ind. Law Jour. Feb., 1929.

Public Training. Training municipal officers. *Richard R. Price.* Minn. Municipalities. Jan., 1929.

Regional Planning. Regional and local planning progress in the Maryland suburbs of the national capital. *Charles W. Eliot, 2d.* Am. City. Jan., 1929.

Slum Problem. The slum problem. *Reginald Rowe.* Quar. Rev. Oct., 1928.

Traffic Problem. Are we solving the traffic problem? *Raymond S. Tompkins.* Am. Mercury. Feb., 1929.

———. A rejoinder on the relation of building height to street traffic. *Ernest P. Goodrich.* Relation of building height to street traffic—a reply. *Herbert D. Simpson.* Nat. Mun. Rev. Feb., Mar., 1929.

Water Supply. Manila's new water supply. *H. F. Wilkins.* Am. City. Mar., 1929.

POLITICAL THEORY AND MISCELLANEOUS

Books

Basch, Victor. Les doctrines politiques des philosophes classiques de l'Allemagne. Paris: Alcan.

Baudin, L. L'empire socialiste des Inka. Pp. 294. Paris: Institut d'Ethnologie.

Bellarmine, Robert. De Loicis, or the treatise on government. (Translated by Kathleen E. Murphy.) N. Y.: Fordham Univ. Press.

Carter, Hugh. The social theories of L. T. Hobhouse. Pp. 137. Chapel Hill: Univ. of N. C. Press.

D'Andrea, U. Corradini e il nazionalismo. Pp. 111. Rome: Augustea.

Duff, A. M. Freedmen in the early Roman empire. Pp. xii+252. Oxford: Clarendon Press.

Duguit, Léon. Traité de droit constitutional. (3e éd.). Tome II: La théorie générale de l'état. Première partie: Élements, fonctions et organes de l'état. Pp. 888. Paris: Boccard.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Eiselen, Malcolm R. Franklin's political theories. Pp. 112. Garden City: Doubleday, Doran.

Emerson, Rupert. State and sovereignty in modern Germany. Pp. 293. New Haven: Yale Univ. Press.

Haywood, William D. Bill Haywood's book. N. Y.: Int. Pubs.

House, Floyd N. The range of social theory. Pp. 582. N. Y: Holt.

Howard, Milford W. Fascism: a challenge to democracy. Pp. 183. N. Y.: Revell.

Johnston, G. A. Citizenship in the industrial world. London: Longmans.

Le Fur, Louis. La théorie du droit naturel depuis le XVIII^{e} siècle et la doctrine moderne. Pp. 184. Paris: Hachette.

Matsushita, Shutaro. The economic effects of public debts. (Columbia Univ. Studies.) N. Y.: Columbia Univ. Press.

Mises, Ludwig. Liberalismus. Pp. 175. Jena: Gustav Fischer.

Nevinson, Henry W. Last changes, last chances. Pp. 376. N. Y.: Harcourt, Brace.

Newman, Sir George. Citizenship and the survival of civilization. New Haven: Yale Univ. Press.

Philip, André. Henri de Man et la crise doctrinale du socialisme. Paris: Gamber.

Previté-Orton, C. W., ed. The *Defensor Pacis* of Marsilius of Padua. Pp. xlvii+517. London: Cambridge Univ. Press.

Rouillard, Germaine. L'administration civile de l'Egypte Byzantine. Paris: Geuthner.

Seidler, Gustav. Grundzüge des allgemeinen Staatsrechtes. Pp. 218. Berlin: Georg Stilke.

Shadwell, Arthur. Typhoeus; or, the future of socialism. Pp. 116. London: Kegan Paul.

Stewart, Irwin, ed. Radio. Pp. iv+106. Ann. Am. Acad. (Supp.). Mar., 1929.

Wu, Kuo-Cheng. Ancient Chinese political theories. Pp. 340. N. Y.: Stechert.

Zimmern, Alfred. The prospects of democracy. London: Chatto & Windus.

Articles

Church and State. Conscience and authority. *R. H. Murray.* Contemp. Rev. Jan., 1929.

Communism. A communist view of historical studies. *Samuel N. Harper.* Jour. Mod. Hist. Mar., 1929.

Democracy. Demokratiens övervindande. *Rutger Essén.* Demokrati och regeringsmakt. *Tom. Forssner.* Svensk Tidsskrift. July, Oct., 1928.

———. Contemporary perplexities in democratic theory. *T. V. Smith.* Int. Jour. Ethics. Oct., 1928.

———. La crise des gouvernements représentatifs et parlementaires dans les démocraties modernes. *A. Lawrence Lowell.* La crise de la démocratie représentative. *Joseph Barthélemy.* Rev. Droit Pub. et Sci. Pol. Oct.-Dec., 1928.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

———. Die Demokratie hat nicht versagt. *William E. Borah.* Nord und üd. Nov., 1928.

———. Has democracy broken down? I. The reign of mediocrity. *Will Durant.* II. Experiments in trial and error. *The Mayors of America.* Forum. Jan., 1929.

———. Assaults upon democracy. *John A. Ryan.* Catholic World. Mar., 1929.

Fascism. Dalla rivoluzione francese alla rivoluzione fascista. *Antonio Pagano.* Politica. June-Aug., 1928.

———. The fascist state. *Lord Sydenham of Combe.* English Rev. Feb., 1929.

Government. Government as an exact science. *R. K. Gooch.* Southwestern Pol. and Soc. Sci. Quar. Dec., 1928.

Machiavelli. Studi sulla politica di Machiavelli. IV. *Felice Battaglia.* Nuovi Studi di Diritto, Economia e Politica. Jan.-Feb., 1929.

Magna Carta. Magna carta. *William D. Guthrie.* Am. Bar Assoc. Jour. Jan., 1929.

Methodology. Das Problem der Methode in der Staatslehre. *Franz W. Jerusalem.* Archiv öffent. Rechts. Dec., 1928.

Monarchy. La disparition du système monarchique et l'esprit international. *Guglielmo Ferrero.* L'Esprit Int. Jan., 1929.

Organic Theory. Welt und Staat als Organismus. *O. G. von Wesendonk.* Europ. Rev. Sept., 1928.

Parliaments. Parliaments and stable government. *John H. Humphreys.* Nine. Cent. Dec., 1928.

Political Science. Perspectives in political science, 1903–1928. *Jesse S. Reeves.* Am. Pol. Sci. Rev. Feb., 1929.

Propaganda. Are we victims of propaganda? I. Our invisible masters. *Everett Dean Martin.* II. Our debt to propaganda. *Edward L. Bernays.* Forum. Mar., 1929.

Socialism. A socialist fantasy. *A. A. W. Ramsay.* Quar. Rev. Jan., 1929.

———. Guidance of production in a socialist state. *Fred M. Taylor.* Am. Econ. Rev. Mar., 1929.

Unitary State. Der Einheitsstaat. *Joh. Victor Bredt.* Preuss. Jahrbücher. Nov., 1928.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

United States Patent Office

AMERICAN

UNITED STATES

Commerce department. United States department of commerce, brief description of activities of the several bureaus of the department. Washington: Govt. Ptg. Off., Nov. 1, 1928.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Congress. 70th Congress, 2nd session, beginning Dec. 3, 1928, official congressional directory; compiled by Elmer C. Hess. Washington: Govt. Ptg. Off. 1st ed., Dec. 1928, 642 p.; 2nd ed., Jan. 1929, 648 p.

——— *House of Representatives.* Opium and narcotic laws; compiled by Elmer Lewis, Washington: Govt. Ptg. Off., 1928. 37 p.

——— Standing and select committees of House of representatives, 70th Cong., 2d sess. corrected to Dec. 10, 1928. Washington: Govt. Ptg. Off., 1928. 23 p.

——— *Banking and currency committee.* Stabilization, hearings, 70th Congress, 1st session, on H. R. 11806, to amend act approved Dec. 23, 1913, known as federal reserve act, to define certain policies toward which powers of federal reserve system shall be directed. Mar. 19–May 29, 1928. Washington: Govt. Ptg. Off., 1928. 458 p.

——— *Census committee.* Apportionment of representatives, report and minority views, to accompany H.R. 11725. Washington: Govt. Ptg. Off., 1929. 112 p.

——— *Civil service committee.* Clarification and amendment of Welch act, hearings . . . . bills to clarify and amend act of May 28, 1928, to increase compensation schedules of classification act of 1923. Washington: Govt. Ptg. Off., 1929. 200 p.

——— *District of Columbia committee.* District of Columbia, report of subcommittee, 70th Congress, 1st session, appointed Dec. 14, 1927, to make study of government of District of Columbia, May 29, 1928. Washington: Govt. Ptg. Off., 1928. 32 p.

——— *Immigration and naturalization committee.* List of authoritative works on immigration; prepared by Madison Grant. Dec. 24, 1928. Washington: Govt. Ptg. Off., 1928. 4 p.

——— *Ways and means committee.* Certain taxes collected in 1866–68, hearings, 70th Congress, 2d session, on H. J. Res. 166, consenting that certain states may sue United States, and providing for trial on the merits in any suit brought hereunder by state to recover direct taxes alleged to have been illegally collected by United States during years 1866–68. Washington: Govt. Ptg. Off., 1929. 116 p.

——— Comparison of revenue acts of 1926 and 1928, with index; by Clayton F. Moore. Washington: Govt. Ptg. Off., 1928. 247 p.

——— *Senate.* Multilateral peace treaty, address delivered at Williamstown Institute of politics, August 22, 1928, by Edwin Borchard, with article from Forum, Jan. 1929, entitled Should Senate ratify Kellogg treaty, by Frank H. Simonds, also article from Harper's magazine, Dec. 1928, entitled Meaning of Kellogg treaty, by Henry Cabot Lodge, 3d; presented by Mr. Blaine. Washington: Govt. Ptg. Off., 1929. 20 p.

——— *Foreign relations committee.* General pact for renunciation of war, hearings, 70th Congress, 2d session, on general pact for renunciation of war, signed at Paris Aug. 27, 1928. Washington: Govt. Ptg. Off., 1928. Pt. 1, 28 p.

——— *Immigration committee.* Supplement to naturalization laws, report to accompany H.R. 349; submitted by Mr. Copeland. Washington: Govt. Ptg. Off., 1929. 5 p.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

——— *Special committee investigating presidential campaign expenditures.* Presidential campaign expenditures, report, submitted by Mr. Steiwer. Washington: Govt. Ptg. Off., 1929. 14 p.

——— *Special committee to investigate propaganda or money alleged to have been used by foreign governments to influence United States senators.* Investigation of alleged payments by Mexican government to United States senators, hearings, 70th Cong., 2d sess. Washington: Govt. Ptg. Off., 1929. Pt. 5, 343–368 p.

Efficiency bureau. Fiscal relations between government of United States and District of Columbia, report transmitted to committees on appropriations of Senate and House of Representatives; presented by Mr. Simmons. Washington: Govt. Ptg. Off., 1929. 84 p.

Inter-American high commission. Comparative study of American legislation governing commercial arbitration (with bibliography), by Vicente Vita; published by central executive council. Washington: Govt. Ptg. Off., 1928. 59 p.

President. Address of President Coolidge before Pan American conference on arbitration and conciliation, Washington, D.C., Dec. 10, 1928. Washington: Govt. Ptg. Off., 1928. 5 p.

State department. Treaty between United States and Finland, arbitration; signed Washington, June 7, 1928. Washington: Govt. Ptg. Off., 1929. 2 p. Same, with Albania; Czechoslovakia; Denmark; Lithuania.

——— General pact for renunciation of war, French and English texts of pact as signed. Washington: Govt. Ptg. Off., 1928. 10 p.

——— Settlement of international controversies by pacific means, address by Frank B. Kellogg, secretary of state, delivered before world alliance for international friendship. Washington: Govt. Ptg. Off., 1928. 10 p.

STATE AND TERRITORIAL

CALIFORNIA

Civil service commission. The civil service act and rules and regulations of the state civil service commission July, 1928. Sacramento, 1928. 49 p.

Governor. Governor's letter to legislators and advance message to the legislature, August 16, 1928. Sacramento, 1928. 8 p.

——— Governor's message on expediting legislation, Sept. 4, 1928. Sacramento, 1928. 3 p.

——— Governor's message to legislators, special session. Sacramento, 1928. 7 p.

Secretary of state. Statement of vote at primary election held on August 28 1928 (party registration, voting precincts, total vote cast). Sacramento, 1928. 45 p.

CONNECTICUT

Commission on the revision and codification of the school laws. Report. Part II. Revision of laws relating to public schools. Hartford, 1928. 86 p.

DISTRICT OF COLUMBIA

Police department. Compilation of laws dealing with the organization, rules and regulations, powers, discipline, and other matters pertaining to the metropolitan police department, compiled and arranged by Lieutenant L. H. Edwards. Washington: Govt. Ptg. Off., 1928. 43 p.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ILLINOIS

Governor. Message to the second special session 55th general assembly, Illinois, by Len Small, governor, May 15, 1928. Springfield, 1928. 5 p.

INDIANA

Board of election commissioners. Election law pamphlet of Indiana, with instructions to voters and election officers. Indianapolis, 1928. 71 p.

Department of public instruction. Bulletin no. 100 b 2: Tentative course of study in United States history and social studies for secondary schools in Indiana. Indianapolis, 1928. 366 p.

IOWA

General assembly, Code supervising committee. Code of Iowa, 1927. Containing all statutes of a general and permanent nature. Des Moines, 1927. 2020 p.

Historical, memorial and art dept., Division of public archives. Public archives; A manual for their administration in Iowa, by Cassius B. Stiles, superintendent of the division of public archives. Des Moines, 1928. 181 p.

KENTUCKY

Department of education. Laws relating to education in Kentucky enacted by the 1928 general assembly. Frankfort, 1928. 30 p.

MASSACHUSETTS

Department of corporations and taxation. Extracts from the general laws. Chapter 39, municipal government. Chapter 40, powers and duties of cities and towns. Chapter 41, officers and employees of cities, towns, and districts. Chapter 44, municipal finance. References and additions December, 1927. Boston, 84 p.

Special commission on the necessaries of life. Report. January, 1928. Boston, 1928. 132 p.

MICHIGAN

Agricultural experiment station, East Lansing. A study of town-country relationships by C. R. Hoffer. Lansing, 1928. 20 p. Special bulletin no. 181.

MISSOURI

State department. Official manual for years 1927 and 1928, compiled and published by Charles U. Becker, secretary of state. Jefferson City, 1928. 830 p.

NEW JERSEY

State library. Legislative reference list. Cumulative supplement to descriptive list of laws and joint resolutions enacted by the state of New Jersey, legislative session, 1928. Trenton, 1928. 4 p.

NEW YORK

Attorney general's office. Report of the committee appointed by the attorney general to study the loan shark problem. Albany, July 26, 1928. 6 leaves (typewritten).

Comptroller's office. Special report on municipal accounts by the state comptroller, transmitted to the legislature March 15, 1928. Albany, 1928. 273 p.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Crime commission. Individual studies of 145 offenders by the subcommission on causes and effects of crime. Albany, 1928. 128 p.

Dept. of state. The election law, being chapter 17 of the consolidated laws as amended 1928, together with notes and political calendar. Albany, 1928. 222 p.

NORTH CAROLINA

Board of elections. Proposed amendments to the constitution of North Carolina to be submitted at the election November 6, 1928. Raleigh, 1928. 7 p.

Secretary of state. Statements and arguments of political parties and independent candidates, general election of November 6, 1928. Salem, 1924. 4 nos.

University of North Carolina, Chapel Hill. The James Sprunt historical studies, published under direction of the department of history and government. V. 20, no. 2: The James A. Graham papers, 1861–1884, edited by H. M. Wagstaff. 1928. 91–324 p.

OREGON

Secretary of state. Proposed constitutional amendments and measures (with arguments), to be submitted to the voters of Oregon at the general election Tuesday, November 6, 1928. Salem, 1928. 47 p.

PENNSYLVANIA

Department of public instruction. A digest of the laws controlling school attendance and employment of minors. Harrisburg, 1928. 72 p.

PHILIPPINE ISLANDS

Governor-general. Mensaje del gobernador general Henry L. Stimson a la octava legislatura Filipina, leído el 16 de julio de 1928 an la sesíon inaugural del primer periodo de sesiones. Manila, 1928. 24 p.

VIRGIN ISLANDS

Governor. A general report by the governor. Washington: Govt. Ptg. Off., 1928. 101 p. (Bibliography of the Virgin Islands, p. 91–101.)

WEST VIRGINIA

West Virginia legislative handbook and manual and official register, 1928. Compiled and edited by John T. Harris, clerk of the Senate. Published by Mrs. John T. Harris, executrix. Charleston, 1928. 1169 p.

WISCONSIN

University of Wisconsin, Madison. History of the Byzantine Empire by A. A. Vasiliev. In two volumes. Vol. 1. From Constantine the Great to the epoch of the Crusades (A.D. 1081). Translated from the Russian by Mrs. S. Ragozin. Madison, 1928. 457 p. (University of Wisconsin studies in the social sciences and history, no. 13.)

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GREAT BRITAIN

Foreign office. Nationality and naturalization laws of certain foreign countries. London, H.M.S.O., 1928. 38 p.

——— Papers regarding the limitation of naval armaments. London: H.M.S.O., 1928. 46 p. Cmd. 3211.

——— Papers relating to the settlement of the Nanking incident of March 24, 1927. London: H.M.S.O., 1928. 6 p. Cmd. 3188.

HAITI

Traité entre la République d'Haiti et la République Dominicaine relatif aux frontières. Port-au-Prince, Impr. Nationale, 1929. 14 p.

——— Code de procedure civile; avec les dernières modifications. Port-au-Prince, 1928. 263 p.

INDIA

Reports on the working of the reformed constitution, 1927.Calcutta, Govt. of India central publication branch, 1928. 525 p.

MEXICO

Delegation to the 6th international American conference, Havana. Pa participacion de Mexico en la sexta conferencia internacional Americana. Mexico, Impr. de la Secretaria de relaciones exteriores, 1928. 271 p.

Ministerio de relaciones exteriores. Mexico y el tratado contra la guerra. Mexico, Impr. de la Secretaria de rel. ex., 1928. 18 p.

Secretaria de relaciones exteriores. Las relaciones entre Mexico y el Vaticano, por Joaquin Ramirez Cabãnas. Mexico, 1928. 238 p.

NETHERLANDS

Répertoire des traités et des engagements internationaux concernant les Pays-Bas (1845–1900). La Haye, M. Nijhoff, 1928.

NICARAGUA

National board of elections. Electoral regulations for the elections of 1928 for the supreme authorities. Managua, 1928. 159 p.

SIAM

Siam treaties with foreign powers 1920–1927, ed. by Phya Kalyan Maitri (Francis Bowes Sayre). Bangkok, 1928. 380 p.

SWITZERLAND

Politisches departement. Radio-telegraphic station for the purpose of ensuring independent communications for the League of Nations at times of emergency. Geneva, Kundig, 1928. 5 p.

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Dispute between Bolivia and Paraguay. Geneva, 1928. 23 nos. Documents received from the president of the Council relative to certain incidents on the frontier of Bolivia and Paraguay. London: H.M.S.O., 1929. 20 p.

——— Documents of the preparatory commission for the disarmament conference entrusted with the preparation of the conference for the reduction and limitation of armaments. Ser. VII. Geneva, 1928. 131 p.

——— Pacific settlement of international disputes, non-aggression, and mutual assistance. Report of the third committee to the Assembly. Geneva, 1928. v. p.

——— Permanent court of international justice. Bibliographical list of official and unofficial publications concerning the permanent court of international justice. Prepared for the 4th annual report of the court by J. Douma, assistant librarian of the Peace Palace. Hague, 1928. 1 v.

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